

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

NO. 14-0201

WILLIAM DAN EDGE and	\$	IN THE DISTRICT COURT OF
JESSIE EDGE	\$	
	\$	
	\$	
VS.	\$	HOUSTON COUNTY, TEXAS
	\$	
	\$	
	\$	
REMINGTON ARMS COMPANY, INC.	\$	
and WAL-MART STORES, INC.	\$	3RD JUDICIAL DISTRICT

VIDEOTAPED DEPOSITION OF

DEREK LEE WATKINS

LOUISVILLE, KENTUCKY

MARCH 25, 2015

ATKINSON-BAKER, INC.
COURT REPORTERS
(800) 288-3376
www.depo.com

REPORTED BY: LINDA FOX, CCR 20042030
FILE NO.: A90295D

1 NO. 14-0201

2 WILLIAM DAN EDGE and § IN THE DISTRICT COURT OF
JESSIE EDGE §

3 §
4 VS. § HOUSTON COUNTY, TEXAS
§

5 §
6 REMINGTON ARMS COMPANY, INC. §
and WAL-MART STORES, INC. § 3RD JUDICIAL DISTRICT

7
8
9
10
11 Deposition of Derek Lee Watkins, taken on behalf
12 of Plaintiffs, at 140 North Fourth Street, Louisville,
13 Kentucky 40202, commencing at 9:36 a.m., Wednesday, March
14 25, 2015, before Linda A. Fox, CCR 20042030.
15
16
17
18
19
20
21
22
23
24
25

1 STATE OF NORTH CAROLINA IN THE GENERAL COURT OF JUSTICE
2 MECKLENBURG COUNTY SUPERIOR COURT DIVISION
3 13 CVS 21261

4 CARLETTA McNEIL, ADMINISTRATOR §
For and on Behalf of the ESTATE §
5 OF JASMINE THAR (Decedent), §
JAHMESHA McMILLIAN and, TREKA §
6 McMILLIAN, Individually §
§
7 Plaintiffs §
§
8 V. §
§
9 REMINGTON ARMS COMPANY, LLC §
§
10 Defendant §

11
12 VIDEOTAPED DEPOSITION OF
13 DEREK LEE WATKINS
14 LOUISVILLE, KENTUCKY
15 MARCH 25, 2015
16
17
18
19
20
21

22 ATKINSON-BAKER, INC.
COURT REPORTERS
23 (800) 288-3376
www.depo.com
24

25 REPORTED BY: LINDA FOX, CCR 20042030
FILE NO.: A90295D & A90295E

A P P E A R A N C E S:

FOR PLAINTIFF:

ROBERT A. CHAFFIN, ESQUIRE
THE CHAFFIN LAW FIRM
4265 SAN FELIPE
SUITE 1020
HOUSTON, TEXAS 77027

FOR DEFENDANT:

DALE G. WILLS, ESQUIRE
SWANSON, MARTIN & BELL, LLP
330 NORTH WABASH AVENUE
SUITE 3300
CHICAGO, ILLINOIS 60611

JAMES P. COONEY, III, ESQUIRE
WOMBLE, CARLYLE, SANDRIDGE & RICE, LLP
ONE WELLS FARGO CENTER
SUITE 3500
301 SOUTH COLLEGE STREET
CHARLOTTE, NORTH CAROLINA 28202

ALSO PRESENT:

MR. BRUCE SANDY, VIDEOGRAPHER
MR. TOM PERKINS, CAMERAMAN

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I N D E X

WITNESS: Derek Lee Watkins

EXAMINATION	PAGE
By Mr. Chaffin	8

E X H I B I T S

Exhibit Number 1 (Copy of photograph)	48
Exhibit Number 2 (Copy of photograph)	48
Exhibit Number 3 (Copy of photograph)	50
Exhibit Number 4 (Copy of photograph)	70
Exhibit Number 5 (No Exhibit 5 marked)	
Exhibit Number 6 (Copy of photograph)	79
Exhibit Number 7 (Copy of photograph)	80
Exhibit Number 9 (Serial numbers) Referred to on page	102
Exhibit Number 10 (Copy of photograph)	185
Exhibit Number 11 (Copy of photograph)	205
Exhibit Number 12 (Case information) Not marked	
Exhibit Number 13 (Copy of photograph) Not marked	
Exhibit Number 14 (Case information)	232

1 THE VIDEOGRAPHER: I am Bruce Sandy, your 09:36:21
2 videographer and I represent Atkinson-Baker, Inc. in 09:37:12
3 Glendale, California. I am a notary public. I am not 09:37:12
4 financially interested in this action or am I relative or 09:37:12
5 employee of any plaintiff or any of the parties. 09:37:12

6 Today is March 25, 2015. This deposition is 09:37:12
7 taking place in the Bradley Room of the Galt House Hotel, 09:37:22
8 140 North Fourth Street, Louisville, Kentucky. 09:37:22

9 We are here for a case pending in the State of 09:37:22
10 North Carolina, County of Mecklenburg in the General Court 09:37:22
11 of Justice, Superior Court Division. Case Number 13, dash, 09:37:22
12 CVS, dash, 21261 entitled Carletta McNeil, Administrator For 09:37:22
13 and Behalf of the Estate of Jasmine Thar (Decedent), 09:37:22
14 Jahmesha McMillian and Treka McMillian, Individually, 09:37:22
15 Plaintiffs, versus Remington Arms Company, LLC, Defendant. 09:37:22

16 And the case pending in the District Court of 09:37:45
17 Houston County, Texas, Third Judicial District, Case Number 09:37:45
18 14, dash, 0201, entitled William Dan Edge and Jessie Edge 09:37:45
19 versus Remington Arms Company, Inc. and Wal-Mart Stores, 09:37:45
20 Inc. 09:37:45

21 This deposition is being taken on behalf of the 09:37:22
22 Plaintiff. Your court reporter is Linda Fox from Atkinson 09:38:29
23 Baker, Inc. 09:38:29

24 If at this time all counsel present will introduce 09:38:30
25 themselves for the record, then the witness can be sworn. 09:38:30

1 MR. CHAFFIN: I'm Robert Chaffin, appearing 09:38:34

2 here for the McNeil family and William and Jessica Edge. 09:38:34

3 MR. WILLS: Dale Wills on behalf of Remington. 09:38:43

4 MR. COONEY: I'm Jim Cooney on behalf of 09:38:43

5 Remington. And I'm appearing in the North Carolina Action 09:38:43

6 only. 09:38:43

7 MR. CHAFFIN: Okay. Are you going to swear 09:38:59

8 the witness, right? 09:38:59

9 MR. WILLS: May -- may I ask a question first. 09:38:59

10 Is the video going to be on him like that, is that so he can 09:38:59

11 see things on the video when you put -- 09:38:59

12 MR. CHAFFIN: Well, I can take his picture off 09:38:59

13 for now, if -- we don't need to have it up to -- 09:38:59

14 MR. WILLS: Yeah. That might be kind of 09:38:59

15 just -- 09:38:59

16 MR. CHAFFIN: Okay. That's fine. 09:38:59

17 THE WITNESS: It catches my eye to it. 09:39:15

18 MR. CHAFFIN: Okay. That's fine. So we wont' 09:39:15

19 use it. Can you black those two screens until we have some 09:39:15

20 use for them? 09:39:15

21 MR. WILLS: There you go. 09:39:15

22 MR. CHAFFIN: Okay. 09:39:19

23

24

25

1 DEREK WATKINS 09:39:19

2 having been first duly sworn, testified as follows: 09:39:19

3 MR. COONEY: Do we have stipulations? 09:39:19

4 MR. WILLS: This will just be taken in 09:39:19

5 accordance with the North Carolina rules and the Texas rules 09:39:19

6 to the extent we can, right, Bob? 09:39:19

7 MR. CHAFFIN: That's our agreement, by the 09:39:19

8 rules of both states we're taking the deposition 09:39:19

9 simultaneously for two cases. 09:39:19

10 MR. WILLS: Right. And I -- I -- let's just 09:39:19

11 go ahead and stipulate that, like the federal rules, 09:39:19

12 everything -- all objections are preserved except form of 09:39:19

13 the question and responsiveness of the answer. 09:39:19

14 MR. CHAFFIN: That's correct. 09:39:19

15 MR. WILLS: Okay. 09:39:19

16 MR. CHAFFIN: Is that correct in North 09:39:19

17 Carolina, Mr. Cooney? 09:39:19

18 MR. COONEY: That is correct. 09:39:19

19 MR. CHAFFIN: All right. Has the witness been 09:39:19

20 sworn? All right. 09:39:19

21 DIRECT EXAMINATION 09:39:19

22 BY MR. CHAFFIN: 09:38:29

23 Q. Just for the record, would you give us your name, 09:40:15

24 sir. 09:40:16

25 A. Derek Lee Watkins. 09:40:17

1 Q. Mr. Watkins, my name is Bob Chaffin. We met for 09:40:18

2 the first time ever, I believe, it was last week, correct? 09:40:18

3 A. I think it was two weeks ago. 09:40:18

4 Q. Two weeks ago. Excuse me. 09:40:18

5 When you were kind enough to come down to Houston 09:40:18

6 and help us take some pictures, right? 09:40:18

7 A. Correct. 09:40:18

8 Q. Okay. Just a little preliminaries here, who do 09:40:33

9 you currently work for? 09:40:35

10 A. I am self-employed. I own my own company, it's 09:40:35

11 Nth Level, N-T-H, dash, L-E-V-E-L, LLC. 09:40:35

12 Q. And what kind of company is Nth Level? 09:40:46

13 A. Nth Level does contract engineering and also does 09:40:48

14 expert witness testimony, expert testimony or services. 09:40:48

15 Q. Do you have any employees other than yourself? 09:40:49

16 A. No. 09:40:58

17 Q. And, prior to going to work for Nth Level, you 09:40:59

18 worked for Remington Arms Company for, I believe, about five 09:41:02

19 years, give or take? 09:41:04

20 A. I believe, let's see, yeah, about a lit -- little 09:41:08

21 over, I think. 09:41:10

22 Q. And what was your title there? 09:41:12

23 A. I was director of Product Technology Integration. 09:41:14

24 Q. And, in your job as director of Product Technology 09:41:19

25 and Integration, about how much time did you spend at 09:41:23

1 Remington working on products liability lawsuits against the 09:41:26
2 company? 09:41:30

3 A. It wasn't an even division, it ebbed and flowed as 09:41:32
4 the year went on, if I was to look at all of it as a whole, 09:41:32
5 maybe 60 percent or so. 09:41:32

6 Q. So 60 percent of your time, during that five years 09:41:45
7 at Remington, was spent as an examining and testifying 09:41:50
8 expert witness? 09:41:54

9 A. Examining firearms with respect to liability 09:41:55
10 cases, yeah. 09:42:00

11 Q. Where people claimed they had either been killed 09:42:01
12 or injured by a Remington firearm, right? 09:42:02

13 A. Injuries, accidents associated with firearms. 09:42:06

14 Q. They were all injury and death cases, right, 09:42:10
15 nobody sued you for their pickup truck, did they? 09:42:11

16 A. I don't think we had any just property damage 09:42:16
17 lawsuits. 09:42:21

18 Q. Okay. And now that you're with Nth Level, what -- 09:42:22
19 when did Nth -- Nth Level get started? 09:42:25

20 A. It was July of last year, I believe, July or 09:42:29
21 August. 09:42:34

22 Q. And why did you leave Remington to start Nth 09:42:34
23 Level? 09:42:36

24 A. The R&D facility in Elizabethtown is being shut 09:42:38
25 down. And I decided not to go to the Huntsville facility 09:42:38

1 and I decided to go out on my own. 09:42:48

2 Q. And, at Nth Level, have you continued to perform 09:42:53

3 the function of products liability expert witness for 09:42:56

4 Remington? 09:42:59

5 A. No. I don't work for Remington anymore. I -- I'm 09:43:01

6 not -- I'm not an employee of Remington. 09:43:05

7 Q. But I didn't say you were the employee but I said, 09:43:08

8 have you continued to perform the function of products 09:43:09

9 liability expert witness? 09:43:11

10 A. I do expert services for the law firms that 09:43:14

11 represent Remington at times. 09:43:19

12 Q. Well, are you paid by the law firms or you paid by 09:43:22

13 Remington? 09:43:24

14 A. The checks come from the law firms. 09:43:24

15 Q. And the law firm of -- that Mr. Wills works for, 09:43:27

16 what's the name of that firm? 09:43:33

17 A. Swanson, Martin & Bell. 09:43:33

18 Q. And do you get checks from Swanson, Martin & Bell 09:43:34

19 for your Remington work? 09:43:34

20 A. I get checks from Swanson, Martin & Bell for work 09:43:40

21 I do for Swanson, Martin & Bell. 09:43:43

22 Q. On Remington cases, correct? 09:43:44

23 A. Some of those cases are Remington, yes. 09:43:46

24 Q. Do you work for Swanson, Martin & Bell on other 09:43:49

25 cases -- firearms cases other than Remington? 09:43:49

1	A.	Yes.	09:43:55
2	Q.	What -- which other manufacturers do you testify	09:43:55
3		for?	09:43:55
4	A.	With which company, Swanson, Martin --	09:43:58
5	Q.	Yes.	09:44:00
6	A.	-- & Bell?	09:44:00
7	Q.	Yes.	09:44:03
8	A.	I've done work on Crossman cases for Swanson,	09:44:04
9		Martin --	09:44:05
10	Q.	I'm sorry?	09:44:06
11	A.	Crossman.	09:44:06
12	Q.	Crossman. Any others?	09:44:06
13	A.	Nothing's coming to mind at this point.	09:44:12
14	Q.	And what is your billing rate for the work you do	09:44:14
15		on behalf of Mr. Wills' law firm for Remington cases?	09:44:18
16	A.	Direct expert services are \$300 an hour. Travel	09:44:24
17		is \$150 an hour and I am reimbursed for all expenses.	09:44:28
18	Q.	And approximately how many hours have you worked	09:44:35
19		on the McNeil and Edge cases?	09:44:50
20	A.	Edge cases, that has been billed for a total of	09:44:54
21		\$450 I believe, so however that --	09:45:00
22	Q.	Four hundred and fifty dollars total?	09:45:04
23	A.	On Edge. And then I've billed and been paid on --	09:45:05
24		no, never mind. Yeah, you just asked on Edge.	09:45:05
25	Q.	I'm sorry?	09:45:19

1	A.	I -- I answered your question with respect to	09:45:20
2		Edge.	09:45:20
3	Q.	I said McNeil, too, how much you been --	09:45:24
4	A.	Oh, the -- nothing has been titled with respect to	09:45:28
5		McNeil, it's been titled, I'm assuming, Thar is what you're	09:45:31
6		talking about, the --	09:45:33
7	Q.	Yes.	09:45:33
8	A.	-- yeah.	09:45:37
9	Q.	That's the name of the girl who --	09:45:37
10	A.	I've been billed and -- I -- I have billed and --	09:45:38
11		and have been paid 460 -- \$4,666.	09:45:41
12	Q.	In the time that you have been gone from Remington	09:45:43
13		since July of 2014, approximately how much total have you	09:45:59
14		billed for work done on Remington related cases?	09:46:05
15	A.	Oh, I -- I don't know.	09:46:09
16	Q.	You have no idea?	09:46:11
17	A.	No, I'm -- I don't.	09:46:12
18	Q.	Well, how many Remington related cases are you	09:46:13
19		working on or have you worked on in that time period?	09:46:16
20	A.	I would have to go back and check. I don't know	09:46:20
21		how many.	09:46:23
22	Q.	Do you have any idea?	09:46:23
23	A.	No.	09:46:25
24	Q.	Can you think of them by name? Thar, Edge, that's	09:46:26
25		two, how many more?	09:46:28

1 MR. WILLS: You mean since he's left 09:46:28

2 Remington, Bob? 09:46:28

3 Q. (BY MR. CHAFFIN) Yes. 09:46:28

4 A. Remington. Schuler, Rote, that's all that's 09:46:29

5 coming to mind right now. 09:46:29

6 Q. A total of four cases? 09:46:47

7 A. That's what's coming to mind right now. 09:46:30

8 Q. What -- what other work do you do at Nth Level 09:47:08

9 besides firearms products liability work? 09:47:09

10 A. The -- the business is divided into two halves, 09:47:14

11 engineering services and then expert services. So we'll do 09:47:16

12 contract engineering on a contract basis and then expert 09:47:17

13 services for companies as they hire me or -- or law firms as 09:47:17

14 they hire me. 09:47:18

15 Q. And how many cases did you testify for either 09:47:45

16 deposition or live at trial involving Remington firearms 09:47:50

17 while you were the company in that five year period of time? 09:47:53

18 A. It was on the CV, I think, that was provided. We 09:48:02

19 can look at that and tell you for sure. I don't remember 09:48:06

20 off the top of my head. 09:48:09

21 Q. Okay. 09:48:12

22 MR. WILLS: And I think, Bob, I've you his 09:48:12

23 transcripts from the last -- 09:48:12

24 MR. CHAFFIN: Yes. You gave me a lot of -- 09:48:18

25 MR. WILLS: -- eight -- 09:48:18

1 MR. CHAFFIN: -- lot of stuff. 09:48:18

2 MR. WILLS: -- eight last -- in the last eight 09:48:18
3 years. 09:48:18

4 MR. CHAFFIN: Okay. 09:48:18

5 Q. (BY MR. CHAFFIN) Tell me about your involvement 09:48:13
6 with the XMP problems that you investigated in 2014. 09:48:31

7 A. In -- in what aspect, I mean? 09:48:41

8 Q. In the aspect that led up to the remedial actions. 09:48:44

9 A. By remedial actions, you mean the recall? 09:48:49

10 Q. Yes. I want you to start -- 09:48:52

11 A. I -- 09:48:55

12 Q. -- with when you were first notified as to you -- 09:48:55
13 what your involvement would be in the investigation of the 09:48:55
14 problems that were reported with the XMP rifle involving the 09:49:01
15 rifle firing without the trigger being pulled. 09:49:05

16 A. With respect to the recall of the X-Mark Pro -- 09:49:09

17 Q. And I don't -- I don't want to talk about the 09:49:13
18 recall right now. I want you just to start -- so that we 09:49:13
19 don't have a problem with the record. 09:49:13

20 My question is, when were you first notified of a 09:49:13
21 problem with the XMP rifle firing without the trigger being 09:49:13
22 pulled and you became involved in an investigation of that 09:49:13
23 issue. 09:49:32

24 A. We received a -- a rifle from Mr. Otto in Ilion 09:49:38
25 claiming a fire on safety release. And Mr. Otto had posted 09:49:45

1 a You Tube video. I -- Ilion service department checked on 09:49:56
2 the rifle, ran it through their inspection process, could 09:50:06
3 not make it repeat the claimed failure. 09:50:11

4 Because there was video of the failure, the 09:50:15
5 manager in charge of Product Service called me and asked me 09:50:22
6 if I had any thoughts. I viewed the video and asked them to 09:50:28
7 run cold testing on the rifle. They ran cold testing and it 09:50:36
8 passed the cold testing. 09:50:43

9 He then -- he, being the manager of the Product 09:50:47
10 Service department then sent me an e-mail informing that it 09:50:51
11 passed. Asked me if I wanted to inspect the rifle 09:50:54
12 personally. I said, yes. 09:50:58

13 They mailed the rifle from Ilion on March 4th of 09:51:01
14 2014. It arrived in Elizabethtown on I believe the 7th of 09:51:08
15 March. 09:51:18

16 Q. On the what? 09:51:19

17 A. Seventh of March, 2014. And the rifle was put 09:51:19
18 into a freezer at the temperatures matching what Mr. Otto 09:51:32
19 was showing in his video. 09:51:40

20 Q. Which were those temperatures, do you recall? 09:51:41

21 A. That was plus 10 degrees Fahrenheit. And we 09:51:41
22 duplicated the first failure, I believe, was March 11th, 09:51:50
23 I be -- the -- the -- it's all documented on video so 09:51:57
24 there's no question as to when that actually happened. 09:52:05

25 At that point in time, repeated it multiple times. 09:52:08

1 Q. Repeated the failure multiple -- 09:52:12

2 A. Repeated the test, the 10-degree Fahrenheit test, 09:52:14

3 I believe, a total of three times in one day. I then -- 09:52:18

4 Q. When you repeated the test and took the rifle out 09:52:25

5 of the freezer at 10 degrees Fahrenheit, did each time the 09:52:27

6 rifle fire without the trigger being pulled? 09:52:31

7 A. Each time the rifle would fire. One time -- 09:52:34

8 minimum of one time, when you flipped it from safe to fire. 09:52:37

9 Q. And did it sometimes not fire when you flipped it 09:52:43

10 from safe to fire? 09:52:44

11 A. At 10 degrees Fahrenheit it always fired the first 09:52:47

12 time. 09:52:50

13 Q. What about after the first time? 09:52:52

14 A. I believe it fired once after the first time on 09:52:54

15 one of the -- on one of the tests, one of the videos it 09:52:57

16 shows it. And then on the other ones, it did not, so it was 09:52:58

17 once and that was it. 09:53:04

18 Q. So, basically, by the time you had tested this 09:53:05

19 rifle on March the 11th, you had determined that you had an 09:53:09

20 intermittent failure problem, right, being that on some 09:53:11

21 occasions the rifle would fire without the trigger being 09:53:14

22 pulled and on others it would not, correct? 09:53:17

23 A. I wouldn't characterize it that way at all. I 09:53:19

24 think that's a mischaracterization of what we knew at -- 09:53:19

25 Q. What -- what's a mischaracteri -- 09:53:20

1 A. -- on -- on March -- I'm getting to it. Let -- 09:53:20

2 let -- let me answer. All right. 09:53:20

3 On March 11th what we had determined was that when 09:53:28

4 the rifle was put through a repeated environment, it would 09:53:34

5 fail every time, once it was put through that process, 09:53:40

6 that's what we had determined on the 11th. 09:53:42

7 Q. It would fail the first time every time, right? 09:53:42

8 A. Yes. 09:53:46

9 Q. But the second time that you flipped the rifle 09:53:46

10 from safe to fire, it would not fail, right? 09:53:46

11 A. Someti -- on one time it did, I know. I don't 09:53:46

12 remember about the others. 09:53:46

13 Q. So that's an intermittent failure if it does not 09:53:49

14 fail on each occasion, right, sir? 09:53:49

15 A. No. Intermittent -- 09:54:05

16 Q. What is it then? 09:54:05

17 A. -- failure on the se -- after the first failure is 09:54:06

18 correct. Intermittent failure total, no, that's a 09:54:06

19 mischaracterization. 09:54:06

20 Q. Well, just let's just assume that in -- in these 09:54:14

21 three tests how many times had you flipped the rifle from 09:54:14

22 fire to safe after each time you took it af -- out of the 09:54:14

23 freezer? 09:54:14

24 A. The videos speak for themselves. 09:54:21

25 Q. Three times, right? 09:54:25

1 A. The videos speak for themselves. After each test, 09:54:26
2 i.e., it was soaked in -- at 10 degrees Fahrenheit for a 09:54:31
3 period of time with the safety in the safe position. Then, 09:54:36
4 when it was removed from the freezer and it was flipped from 09:54:42
5 safe to fire, it discharged the first time, every time. 09:54:47
6 Q. How many times did you flip it from safe to fire 09:54:53
7 after you took it out of the freezer every time? 09:54:56
8 A. The videos speak for themselves. 09:54:58
9 Q. It's three times, right? 09:55:01
10 A. I say the videos speak for themselves. 09:55:03
11 Q. Do you recall? 09:55:05
12 A. I -- the videos speak for themselves. I do not -- 09:55:06
13 Q. I'm ask -- 09:55:08
14 A. I do not have an exact number of each of the 09:55:08
15 videos in my mind, no. 09:55:08
16 Q. But each and every time that you flipped the rifle 09:55:16
17 from fire -- excuse me -- from safe to fire, it -- it did 09:55:18
18 not fire, correct? 09:55:24
19 A. Each time I flipped from safe to fire, after it 09:55:28
20 had been soaked in a 10-degree environment, it fired. 09:55:31
21 The second time, I remember one time it did. On 09:55:33
22 the other tests, we'll have to review it and see. 09:55:40
23 Q. But the results that you got, were they similar to 09:55:46
24 what Mr. V -- Mr. Otto posted on his video? 09:55:48
25 A. We were able to repeat a discharge on fire on safe 09:55:55

1 release after a 10-degree soak, just as Mr. Otto had shown 09:55:58
2 in his video. 09:55:59

3 Q. All right. Let's do this, let's play Mr. Otto's 09:56:07
4 video so we can confirm what you're talking about. 09:56:07

5 CAMERAMAN: This one? 09:56:07

6 MR. CHAFFIN: Yes. 09:56:32

7 CAMERAMAN: It's on right now. 09:56:32

8 MR. CHAFFIN: Can you put it on both screens. 09:56:32

9 * * * * * 09:56:32

10 (Whereupon, the video is playing.) 09:56:32

11 * * * * * 09:56:32

12 UNKNOWN PERSON IN VIDEO: All right. I've 09:56:31
13 done a little bit of research on Remington 700 based on a 09:56:31
14 few issues that I've had with my own. And I was able to 09:56:54
15 replicate a few of those problems. 09:56:54

16 I'll show you the problems that I have had. I'll 09:56:54
17 give you a brief history of how I got here, with my 09:56:54
18 Remington 700 and then I'll share with you my theory on why 09:57:06
19 I think Remington may be having the trigger problems that 09:57:06
20 they're having. Okay. 09:57:12

21 So now I'm back. I have changed the camera angle, 09:57:12
22 obviously, you can see that. Here's my Remington 700. It's 09:57:12
23 a BDL model, that's got a fluted barrel, the new trigger 09:57:18
24 that they replaced, obviously, the old one with. And it has 09:57:18
25 been checked. It's empty. No ammo around. Bolt is open so 09:57:18

1 everything's good to go. 09:57:18

2 So what I'm going to do is I'm going to close the 09:57:19

3 bolt. And I will keep my finger off of the trigger and move 09:57:32

4 the safety lever from the safe to the fire position and 09:57:39

5 we'll see what happens. Once again checked, empty, bolt 09:57:39

6 closed, finger off the trigger. And, as you can see, it 09:57:39

7 fired. 09:57:39

8 MR. CHAFFIN: Okay. Let's stop it right there 09:57:42

9 just a minute. 09:57:42

10 UNKNOWN PERSON IN VIDEO: See how the firing 09:57:42

11 pin -- 09:57:42

12 MR. CHAFFIN: Stop the video, please. Bring 09:57:42

13 the witness back up for just a minute. 09:57:42

14 Q. (BY MR. CHAFFIN) Now, Mr. -- 09:57:59

15 MR. WILLS: Not on this screen, right? 09:57:59

16 MR. CHAFFIN: Yes. This -- this is the 09:57:59

17 current video. 09:57:59

18 Q. (BY MR. CHAFFIN) Mr. Watkins, the condition that 09:57:39

19 was just exhibited in the video where the rifle would fire 09:57:39

20 without pulling the trigger, that renders that product unfit 09:58:27

21 for the purpose for which Remington sold it, correct, sir? 09:58:27

22 A. The discharge of that rifle after a 10-degree soak 09:58:27

23 and moving the safety from safe to fire and the rifle 09:58:27

24 discharging is an unsafe condition. 09:58:27

25 Q. Okay. Just so you can directly answer my 09:58:45

1 question. 09:58:47

2 A Remington rifle, such as the one we just saw on 09:58:48

3 the video, it is being used in 10-degree circumstances, is 09:58:52

4 being used under normal consumer expectations, correct or 09:58:54

5 not? 09:59:00

6 A. The 10-degree environment is an environment that 09:59:01

7 that rifle is intended to operate in. 09:59:04

8 Q. Okay. And the rifle is an unsafe consumer product 09:59:07

9 as we have viewed it on the screen, right, sir? 09:59:11

10 MR. WILLS: Object to the form of the 09:59:13

11 question; calls for a legal conclusion. Go ahead. 09:59:13

12 A. The -- a -- a rifle that will discharge after a 09:59:13

13 10-degree soak when flipping it from safe to fire is 09:59:25

14 suffering from an unsafe condition, in my opinion. 09:59:31

15 Q. (BY MR. CHAFFIN) And if the rifle will discharge 09:59:35

16 at 20 degrees Fahrenheit, it's unsafe, right? 09:59:39

17 A. If it is discharging through moving the safety 09:59:43

18 from safe to fire in a 20-degree environment, then that 09:59:48

19 would be an unsafe condition if the trigger's not pulled. 09:59:54

20 Q. So any -- any rifle that under normal use that is 09:59:59

21 in factory specifications that will fire without the trigger 10:00:03

22 being pulled is an unsafe consumer product -- 10:00:07

23 MR. WILLS: Object. 10:00:08

24 Q. (BY MR. CHAFFIN) -- correct, sir? 10:00:08

25 MR. WILLS: Object to the form of the 10:00:08

1 question. 10:00:08

2 Q. (BY MR. CHAFFIN) See -- see if you can just answer 10:00:10
3 yes or no sometime, Mr. Watkins. 10:00:10

4 MR. WILLIS: Object to the form of the 10:00:08
5 question. Object to the argumentative nature. It's an 10:00:14
6 incomplete hypothetical. Go ahead an answer. 10:00:15

7 A. Can -- can you ask the question again. 10:00:15

8 Q. (BY MR. CHAFFIN) Any consumer rifle sold by 10:00:19
9 Remington that is in factory spec condition, that will fire 10:00:19
10 without the trigger being pulled under normal use, is an 10:00:29
11 unsafe consumer product that should not be on the market, 10:00:31
12 true, sir? 10:00:31

13 MR. WILLIS: Same objections. 10:00:32

14 A. A rifle that will discharge when the trigger has 10:00:37
15 not been pulled yet has been subjected to the safety being 10:00:40
16 manipulated from safe to fire is unsafe, in my opinion. 10:00:40

17 MR. CHAFFIN: Let's play the rest of the video 10:00:41
18 then. 10:01:15

19 * * * * * 10:01:20

20 (Whereupon, the video is playing.) 10:01:20

21 * * * * * 10:01:20

22 UNKNOWN PERSON IN VIDEO: This decocked. See 10:01:20
23 if I can do it again. Now, in past history, it's -- it's 10:01:23
24 only done it one time. And this is the case, this time it 10:01:25
25 didn't go off, last time it did, as you can see. We'll go 10:01:34

1 back to safe, fire, and it didn't. Okay. Okay. 10:01:38

2 So now I've demonstrated that the -- the trigger 10:01:51

3 does indeed go off when you move the safety lever from safe 10:01:55

4 to fire. You saw it right there. So let me give you a 10:01:57

5 brief history of why I decided to make this video. 10:02:02

6 I purchased this -- this rifle in November of 10:02:03

7 2009, sited it in for several summers, not a problem, no 10:02:03

8 issues. A few years ago I was able to take up deer hunting, 10:02:08

9 let's see it's '13, in 2011, shot my first deer without 10:02:08

10 incident. A nice day, nice fall day, had a good temperature 10:02:18

11 and -- and all that, not a problem. 10:02:26

12 The following year, year 2012, I lined up on a doe 10:02:27

13 and got -- I got her in the sites, moved the fire -- fire 10:02:35

14 lever from safe to fire and the rifle went off. Now, 10:02:37

15 fortunately, I had the crosshairs on the doe and I actually 10:02:37

16 shot the doe that way, not how the trigger's supposed to be 10:02:37

17 designed but, in this case, it worked for me, right. Had -- 10:02:37

18 had the -- had the gun pointed in a safe direction, safe for 10:02:37

19 me, not for the doe necessarily. 10:02:37

20 I thought that was quite strange. I had not heard 10:02:38

21 of the trigger problems that Remington had been having. But 10:02:38

22 I thought it was strange, I thought, well, maybe in my 10:02:38

23 haste, maybe my finger was on the trigger, had never done 10:03:12

24 that. I'm a retired military, I trained how to use weapons 10:03:14

25 and know that we don't put our finger on the trigger until 10:03:21

1 we're ready to use it. But I thought it was strange that it 10:03:22
2 went off. It kind of rattled me a little bit, wasn't quite 10:03:22
3 sure what to think. 10:03:22

4 Took it out that summer, sited it, could not 10:03:23
5 duplicate the problem. Brought it -- brought it home from 10:03:23
6 that trip, couldn't duplicate the problem. So I had figured 10:03:23
7 must have been me, must not have been the gun. 10:03:43

8 This year, about a month ago, went out again. Saw 10:03:47
9 a real nice buck. Put my crosshairs on the buck, moved the 10:03:49
10 safety from safe to fire and the rifle went off and I didn't 10:03:49
11 get that buck. Fortunately, he was chasing a doe, had his 10:03:49
12 mind on other things, wasn't really paying too much 10:03:49
13 attention to me and I was able to get another shot. 10:03:49

14 Now, as you noticed in the -- on the video 10:03:49
15 earlier, I could only get it to do it once, once at a time. 10:03:49
16 After that first trip, can't get it to duplicate again, so I 10:03:49
17 thought that's kind -- kind of strange. 10:03:49

18 Brought the rifle back home. This time I knew, I 10:03:49
19 was very conscientious, finger off the trigger, wanted to 10:03:49
20 really test it out and -- and see if -- what was causing 10:04:23
21 that problem when it went off. 10:04:23

22 So I brought the gun back home. Tried to 10:04:23
23 duplicate it in the house again, couldn't get it to go, 10:04:23
24 could not, tried everything, couldn't get it to do it again, 10:04:23
25 could not duplicate the problem. 10:04:23

1 I was thinking to myself, wait a minute, what's 10:04:32
2 different between what I'm doing now and what I was doing on 10:04:32
3 my hunting trip, and it was the environment. I got to 10:04:32
4 thinking, the first -- the first summer -- or the first fall 10:04:32
5 I went deer hunting, it was a nice fall day, the other two, 10:04:32
6 they were cold. 10:04:32

7 So I thought, well, maybe the cold's got something 10:04:32
8 to do with it, maybe it's a metallic in the trigger 10:04:32
9 components causing that. As most of you know, that's how 10:04:32
10 the old thermostats used to work. The thermostat would get 10:04:32
11 cooled off, the -- the metal would bend in such a way that 10:04:32
12 it would trigger the -- the thermostat close to circuit and 10:04:32
13 the heater would run. 10:04:32

14 And so I thought, well, maybe there's metal 10:04:23
15 components that are heat and cold sensitive that will cause 10:04:23
16 that to go off like that. And so I -- a few weeks ago, I 10:05:01
17 put my gun in -- out in the garage and on a nice -- on a -- 10:05:01
18 on a few cold days and it got real cold and I went out and I 10:05:01
19 tried it and sure enough, that's when it went off. 10:05:01

20 So, if you notice, I'm in my coat, I'm actually in 10:05:19
21 my garage again, my gun's been sitting out here for about 10:05:19
22 two or three days and I'm in -- it's about 10 degrees 10:05:19
23 outside, probably about 10 degrees inside and -- and I let 10:05:19
24 it get nice and cold and you saw the results. 10:05:19

25 I honestly think, Remington, that the cold had 10:05:19

1 something to do with your parts, your components inside your 10:05:19
2 trigger assembly that causes it to -- to contract in such a 10:05:19
3 way that perhaps a blocking mechanism is not holding that 10:05:19
4 hole back when you switch from safe to fire. And I think 10:05:19
5 perhaps that may be what's causing the problem. 10:05:19

6 So I would suggest that anyone with a Remington 10:06:03
7 700 try it, put it out in the cold, try to get it down to a 10:06:03
8 colder temperature and see if that effects your trigger 10:06:03
9 assembly as well. Thanks for watching. 10:06:03

10 MR. CHAFFIN: Take it off. 10:06:46

11 Q. (BY MR. CHAFFIN) Is a -- is this the video that -- 10:05:02
12 that you watched in early March of 2014? 10:06:49

13 A. If that's -- I believe so, that looks like the You 10:06:54
14 Tube video that I did witness, yes. 10:06:58

15 Q. Okay. And, when you say you witnessed it, when 10:07:00
16 you -- who -- who did you receive a call from and -- and the 10:07:01
17 product service manager that alerted you of the video? 10:07:04

18 A. That was Scott Nichols. 10:07:09

19 Q. And did Scott Nichols immediately send you a link 10:07:10
20 to the video? When you talked to him, did -- or, you know, 10:07:12
21 did you go and -- and look at the video on You Tube right 10:07:12
22 away? 10:07:12

23 A. No. He told me what was on the video, if I 10:07:22
24 remember correctly. And that's when I asked him to put the 10:07:26
25 gun in the freezer and run a cold test on it. 10:07:31

1 And then he reported back -- let's see, I'm trying 10:07:36
2 to remember when I saw the video. I'm not for sure, may not 10:07:43
3 have seen the video until the gun was in Elizabethtown, 10:07:55
4 which would have been after the 7th of March, if I remember 10:08:00
5 correctly. Because I don't think I viewed it until the 7th. 10:08:00
6 I -- it's hard -- it's hard to remember. 10:08:18

7 Q. Now, I -- I -- I've got a -- a photograph of the 10:08:21
8 blocker on the Otto rifle provided by your lawyer or by 10:08:28
9 Remington's lawyers, dated March the 1st of 2014. Are you 10:08:38
10 familiar with that photograph? 10:08:43

11 A. I have seen the photograph. 10:08:45

12 Q. And you have seen the date, the -- the camera 10:08:46
13 affixed date to it being March the 1st -- 10:08:48

14 A. The date is hand typed and mistyped. 10:08:51

15 Q. This, just to show what we're talking about here. 10:08:55
16 I don't know if it'll focus good or not, but here's a 10:08:58
17 picture of that -- what we're seeing -- the colors are a 10:09:03
18 little off. 10:09:06

19 MR. WILLS: You're not showing the date there, 10:09:06
20 Bob. 10:09:06

21 Q. (BY MR. CHAFFIN) The date is right up here. 10:09:06

22 MR. WILLS: That's what I'm saying, it's not 10:09:06
23 there yet. 10:09:06

24 Q. (BY MR. CHAFFIN) Can you see that date. Let's 10:09:11
25 see, where's your focus, see if it'll focus in on that. I 10:09:11

1 should have said date. 10:09:11

2 * * * * * 10:09:11

3 (Whereupon, there's a knock on the door.) 10:09:11

4 * * * * * 10:09:11

5 MR. WILLS: Come in. 10:09:18

6 THE WITNESS: I don't think he can. 10:09:18

7 MR. WILLS: Oh, I got it. I got it. 10:09:24

8 MR. CHAFFIN: Can you -- can you do a little 10:09:24

9 better than that? 10:09:24

10 Q. (BY MR. CHAFFIN) Oh, well, let -- let me ask 10:09:11

11 you -- I'm going to show you a picture of it, Mr. -- 10:09:11

12 Mr. Watkins, and we're trying -- we -- we can just back off 10:09:11

13 of it. The date is right up here in this corner, it's dated 10:09:11

14 3/1/2014. Let's back off and show the whole picture if we 10:09:11

15 can. 10:09:11

16 Have -- have you seen this before, Mr. Watkins? 10:09:59

17 A. I have. 10:10:02

18 Q. And the -- the date up there, how -- how does that 10:10:02

19 date become affixed to the picture? 10:10:03

20 A. The date is part of the title that is typed in by 10:10:08

21 the person taking the picture, which is incorrect. It 10:10:13

22 was -- it's a typo. 10:10:18

23 Q. And -- and how do they type that in? 10:10:20

24 A. Keyboard. 10:10:22

25 Q. So these pictures were made off of what type of 10:10:23

1 instrument then? 10:10:26

2 A. They were made off of the camera that is in 10:10:26

3 Elizabethtown. And, if you check the metadata of the actual 10:10:29

4 image, the date is 4/1 not 3/1. 10:10:29

5 Q. So you have gone back to check the metadata behind 10:10:43

6 the photo? 10:10:45

7 A. I have checked the metadata on this image and it 10:10:45

8 is -- this image was taken April 1st at 9:03 in the evening. 10:10:45

9 Q. And just -- just -- 10:11:04

10 A. I believe it's 9:03. 10:11:05

11 Q. Okay. All right. So we'll be clear here, what -- 10:11:07

12 what does this image show here that's interesting? 10:11:12

13 A. That's the blocker screw touching off on the -- on 10:11:15

14 the front of the trigger. And you're seeing -- 10:11:21

15 Q. And here's the trigger right here, right? 10:11:24

16 A. That's the trigger. 10:11:26

17 Q. And here's the blocker screw? 10:11:27

18 A. Right. And there's a lot of -- 10:11:29

19 Q. And what's all this stuff in here? 10:11:30

20 A. -- frost. That's frost. 10:11:32

21 Q. Frost. Okay. From the cold? 10:11:33

22 A. Yeah. It's come out of the freezer. 10:11:37

23 Q. Uh-huh. 10:11:39

24 A. And, when you take it out of the freezer, you get 10:11:40

25 frost buildup from the humidity in the air. 10:11:40

1 Q. Okay. All right. Now, the -- when the manager, 10:11:40
2 Mr. Scott Nichols, when he transmitted the Otto rifle to 10:11:40
3 you, was he concerned that he had a serious safety problem 10:11:51
4 there, the rifle would fire without the trigger being pulled 10:11:51
5 and the customer had demonstrated it on the video -- 10:11:51

6 MR. WILLS: Object. 10:11:52

7 Q. (BY MR. CHAFFIN) -- was that a safety problem he 10:11:52
8 was concerned with? 10:11:52

9 MR. WILLS: Object to the form. Go ahead. 10:11:52

10 A. He was concerned that a failure had been 10:11:52
11 documented that we could not reproduce in their lab. And so 10:12:02
12 I asked to have it sent to Elizabethtown for a further 10:12:02
13 testing. 10:12:02

14 Q. (BY MR. CHAFFIN) The fir -- first time you put it 10:12:29
15 in your freezer at 10 degrees and took it out, the rifle 10:12:30
16 malfunctioned, correct? 10:12:32

17 A. Correct. The -- 10:12:37

18 Q. Why -- why couldn't he put it in his freezer at 10 10:12:38
19 degrees and get it to malfunction? 10:12:39

20 A. Their freezer is hardwired to negative 20 10:12:42
21 degrees F, not 10 plau -- plus 10. 10:12:42

22 Q. So the own -- 10:12:42

23 A. Their -- their freezer is set up for the military 10:12:42
24 standard and it's hardwired for the military standard. So 10:12:42
25 he doesn't have the ability to do 10 degrees. That's the 10:12:42

1 reason I asked to have it sent up so we could do more 10:12:42

2 testing. 10:12:42

3 Q. So the -- the lab then in Ilion then did not have 10:12:46

4 the ability, in its consumer or pro -- is it called Product 10:12:47

5 Service? 10:12:47

6 A. Product Service. 10:13:01

7 Q. The Product Service rep -- 10:13:01

8 A. Arm -- I'm sorry. I misspoke. It's Arm Service, 10:12:48

9 is the name of the group. 10:12:48

10 Q. The Arm Service or Product Service, as it's 10:13:01

11 sometimes referred to, right? 10:13:01

12 A. Product Service is the call center. Armed Service 10:13:02

13 is where they actually do the repairs so they're -- they're 10:13:11

14 separate entities, they're not the same. 10:13:11

15 Q. All right. Well, the armed services then in Ilion 10:13:15

16 apparently does not have the ability to test rifles that are 10:13:15

17 returned to it under the normal usage that consumers are 10:13:15

18 using them under, from what you're telling me, right? 10:13:15

19 A. I wouldn't characterize it that way, negative 20 10:13:18

20 degrees is what it is designed to work at and that is an 10:13:26

21 environment and per the mill standard and that's the reason 10:13:26

22 it's set that way. 10:13:26

23 Q. But consumers don't hunt a lot at minus 20 10:13:51

24 degrees, do they? 10:13:52

25 A. I have no data that suggests that that's true. 10:13:55

1 Q. You ever talk to anybody that's used a Remington 10:13:58
2 rifle at minus 20 degrees on -- on a day to day hunting 10:14:00
3 basis? 10:14:00

4 A. I assume people in Alaska and in the far north do 10:14:07
5 but I can't say that I had specific conversations. 10:14:08

6 Q. All right. But the 10 degrees, 20 degrees, 30 10:14:16
7 degrees, 40 degrees, those would be in normal usages for 10:14:17
8 consumers in United States, right? 10:14:17

9 A. The temperature band of this rifle is from 10:14:18
10 negative 20 degrees Fahrenheit to a hundred and twenty or a 10:14:18
11 hundred and forty degrees Fahrenheit, I believe, so that 10:14:30
12 band covers the usage. 10:14:30

13 Q. Well, was the rifle shipped to you in 10:14:41
14 Elizabethtown so you could test it under the same conditions 10:14:52
15 it had failed under in the field? 10:14:52

16 A. My intentions were to replicate Mr. Dick -- Mr. 10:15:00
17 Dickens test exactly and see what happened. 10:15:03

18 Q. But what you're telling me here today and you're 10:15:08
19 telling the jury is that the Arm Service division in Ilion, 10:15:09
20 when a rifle was returned to them by a consumer that had 10:15:14
21 failed at 10 degrees use or even 20 degrees Fahrenheit use, 10:15:17
22 they did not have the ability to test that rifle under the 10:15:17
23 same condition it had failed under, correct, sir? 10:15:17

24 A. Ilion did not have the ability to test the gun at 10:15:17
25 10 degrees Fahrenheit soak. 10:15:17

1 Q. Or 20 degrees Fahrenheit, right? 10:15:23

2 A. My understanding is that freezer is hard wired to 10:15:28

3 negative 20 degrees F, so that would be the temperature they 10:15:28

4 can test the fre -- the cold temperature at. 10:15:28

5 Q. So they couldn't test it at 10 degrees, they 10:15:45

6 couldn't test it at 20 degrees, 30 degrees, 40 degrees, 50 10:15:46

7 degrees, 60 degrees or even 70 degrees, correct, sir? 10:15:46

8 A. No, that's incorrect. The temperature of the room 10:15:54

9 is in the 60, 70s, 50, sometimes during the year. So, when 10:15:57

10 those environmental variables line up, yes, they're -- 10:15:57

11 they're testing them that high. 10:15:57

12 Q. Okay. But, under ordinary conditions, they did 10:16:09

13 not have the ability to bring that gun to temperatures of 10:16:09

14 10, 20, 30 or 40 or 50 degrees in Ilion and test it as such, 10:16:15

15 right? 10:16:15

16 A. I -- 10:16:24

17 Q. Just say -- 10:16:25

18 A. I'll answer my own questions. Thank you. 10:16:25

19 Q. Yeah. I -- I -- 10:16:27

20 A. Okay. I -- no. I -- I -- it's -- it's rude. All 10:16:27

21 right. Let me answer my own questions. 10:16:27

22 I am unaware of that freezer being able to do 10:16:27

23 anything other than negative 20. If they have environmental 10:16:27

24 chambers elsewhere that can do hot, I would think that they 10:16:27

25 do, what the ranges of those are, I don't know. 10:16:27

1 Q. Okay. But the rifle that we just saw in the video 10:16:53
2 that was sent to you, was sent to you one reason was because 10:16:56
3 it had been posted on the You Tube video, which millions of 10:16:56
4 people could see, that a Remington rifle was actually 10:16:56
5 failing under normal use and that's one reason it was sent 10:16:56
6 to you, right? 10:16:56

7 A. It was sent to me because I requested it. 10:16:58

8 Q. Well, the call was made to you -- when the call 10:16:59
9 was made to you, Mr. Nichols knows that you're a products 10:16:59
10 liability investigator for Remington, right, and that you're 10:16:59
11 called upon to testify in lawsuits against Remington, right, 10:16:59
12 sir? He knows that, doesn't he? 10:16:59

13 A. He knows that's one of my job functions, one of 10:17:11
14 them. 10:17:11

15 Q. So the guy in New York calls the product liability 10:17:11
16 specialist and says, hey, there's a live video on You Tube 10:17:11
17 now showing our rifle failing. I want to send it to you to 10:17:11
18 check it out, right? 10:17:11

19 A. No. He did not say that. 10:17:11

20 Q. He didn't call you just as a social call, did he? 10:17:13

21 A. He called me to ask me what I thought. 10:17:13

22 Q. Okay. And Mr. Nichols, was he also the product 10:17:13
23 service manager back in 2010? 10:17:13

24 A. No. 10:17:13

25 Q. Who was then? 10:17:13

1 A. I think it was Fred Supry. 10:17:27

2 Q. And the product service manager, that's what Scott 10:17:27
3 Nichols' title was, right? 10:17:27

4 A. Oh, I couldn't -- I -- I believe it is but I don't 10:17:41
5 know the exact wording of it. I'm not for sure. 10:17:41

6 Q. I think earl -- 10:17:43

7 A. He was over the product service department. I 10:17:43
8 called him the manager but if that's his exact title, I 10:17:43
9 don't know. 10:17:43

10 Q. The -- the Product Service department, is it 10:17:43
11 included -- 10:17:43

12 A. I'm sorry. Arm service, I keep mixing that up. 10:17:46
13 That's completely different depart -- he's over the Arm 10:17:46
14 Service department. Sorry. 10:17:46

15 Q. Well, was Fred Supry over the Arm -- 10:18:32

16 A. Arm Service, yes, I'm sorry. 10:18:32

17 Q. Okay. Arm Service -- 10:18:32

18 A. I misspoke. 10:18:32

19 Q. -- as being the guys who investigate and repair 10:18:32
20 firearm problems, right? 10:18:32

21 A. That's correct. 10:18:32

22 Q. Okay. And is one of the responsibilities of the 10:17:46
23 Arm Services department is to audit and review firearms that 10:18:41
24 are returned to them to make sure that if a product is in 10:18:41
25 the firearm, it's detected and the consumers are warned? 10:18:41

1 A. That sentence didn't make any sense. 10:18:41

2 MR. WILLS: I think you said is there a 10:19:03

3 problem, you said product. I think you meant to say 10:19:03

4 problem. Is there problems. 10:19:03

5 Q. (BY MR. CHAFFIN) Okay. Then I'll -- maybe it 10:19:07

6 didn't make any sense, that's possible, too. 10:19:08

7 Is one of the responsibilities of the Arm Service 10:19:08

8 department is when they receive products, firearms from 10:19:08

9 consumers, to detect if there's a problem there and to warn 10:19:08

10 consumers if a danger exists with a Remington Product, is 10:19:08

11 that one of the responsibilities that the Arm Service 10:19:08

12 department shares in? 10:19:08

13 A. Arm Service investigates the products that are 10:19:30

14 sent to then per the customer descriptions, informs the 10:19:35

15 customer what they find, and then makes the appropriate -- 10:19:42

16 takes the appropriate actions with the fire -- with the 10:19:46

17 products. 10:19:46

18 Q. And have you -- back in 2010, were you located in 10:19:51

19 Elizabethtown with the freezer that you used to test on the 10:19:54

20 Otto rifle? 10:19:54

21 A. Yes. 10:20:00

22 Q. So in 2010 you had the full capability to test any 10:20:00

23 rifle that was sent to you in a similar manner as you tested 10:20:05

24 the Otto rifle, right? 10:20:06

25 A. I had the same capabilities except we did not have 10:20:10

1 the -- the nice microscopes that takes those pictures that 10:20:15
2 you see the close-ups just like you showed there. We did 10:20:15
3 not have that equipment. 10:20:15

4 Q. Okay. So like one -- just to be clear here, just 10:20:15
5 so the jury can follow along here, the -- the products 10:20:33
6 we're -- we're looking at here is -- is called the -- the 10:20:36
7 trigger blocker, right, that we're concerned about right 10:20:37
8 now? 10:20:37

9 A. Point to which part you're concerned about, what 10:20:45
10 you're worried about. 10:20:47

11 Q. All right. We'll just see here. I'm going to 10:20:48
12 circle it, just so we'll all know, this -- this is a -- what 10:20:48
13 does that closeup say? 10:20:48

14 MR. WILLS: Are you going to mark this as an 10:20:48
15 exhibit? 10:20:48

16 MR. CHAFFIN: We can, yeah. 10:20:48

17 Q. (BY MR. CHAFFIN) These are some pictures of -- of 10:21:00
18 Remington's X-Mark Pro fire control, right. And we'll 10:21:00
19 just -- we're just going to zoom in on this one just for 10:21:00
20 right now. 10:21:00

21 A. Can you put that on this screen here in front of 10:20:48
22 me. 10:21:08

23 Q. And right here -- I'm going to draw a circle 10:21:12
24 around it -- this is what's called the blocker screw, right, 10:21:15
25 right in this area? Right here. 10:21:15

1 A. The blocker screw is in there. That is not just 10:21:20

2 the blocker screw. 10:21:24

3 Q. But right at the tip of it, that tip of it's the 10:21:24

4 blocker screw, right? 10:21:24

5 | A. I'm having really hard time seeing that. 10:21:25

6 Q. I'll show it to you up close. 10:21:31

7 | A. Okay. 10:21:34

8 Q. That's the blocker screw, the tip of it, right? 10:21:34

9 | A. You're pointing at the trigger. 10:21:34

10 Q. I'm pointing at the tip of the blocker screw, you 10:21:41

11 see it? 10:21:41

12	A. The little black piece that's sticking out there	10:21:34
13	is the blocker screw.	10:21:34

14 Q. All right. All right. Just so we confirm what 10:21:45
15 we're all talking about here, the little black piece you 10:21:47
16 pointed to is right here, right? 10:21:50

17	A. Looks to be, yes.	10:21:53
----	----------------------	----------

18 Q. Okay. And that's called the blocker screw, right? 10:21:54

19	A. Correct.	10:21:57
----	-------------	----------

20 Q. And down here is called the engagement screw, 10:21:57

21 right? 10:21:58

22 | A. That's correct. 10:21:58

23 Q. All right. And as you investigated the problem 10:22:03

24 that caused the Otto rifle, that we just saw in the video, 10:22:03

25 as you investigated the problem that caused that rifle to 10:22:11

1 malfunction, you focused on the blocker screw and the 10:22:12
2 engagement screw, didn't you? 10:22:12

3 A. Original focus was just the blocker screw. Well, 10:22:19
4 it was -- the original focus was to get other fire controls 10:22:19
5 and see if they could duplicate the failure mode, which the 10:22:20
6 original ones didn't. 10:22:20

7 Then it was, after -- so we had Mr. Otto's gun 10:22:34
8 that would fail after a 10-degree soak and I believe 10
9 other ones that would not. Then the search started, well, 10:22:34
10 what's different, what is different between these guns. 10:22:34

11 MR. CHAFFIN: Let's black the witness. 10:22:35

12 A. And so that was the focus. 10:22:35

13 Q. (BY MR. CHAFFIN) Okay. Well, when you -- when you 10:22:34
14 began to investigate the Otto rifle -- I'll tell what, 10:22:34
15 why -- why don't you just give us a little -- little 10:23:04
16 narrative of -- of what took place in your investigation and 10:23:04
17 what you discovered, start to finish of your investigation 10:23:04
18 of the problem of the XMP Remington Rifle firing without the 10:23:13
19 trigger being pulled. Tell us what happened in your 10:23:13
20 investigation from start to finish. 10:23:21

21 MR. WILLS: Object to the breadth of it but 10:23:23
22 understanding that, go ahead. 10:23:23

23 A. Well, we've -- we've talked about, so far, how the 10:23:26
24 Otto rifle came to Elizabethtown and the first 10-degree 10:23:30
25 soak failure, the first time we were able to duplicate what 10:23:36

1 Mr. Otto showed in his video was, I believe the 11th of 10:23:38
2 March time frame. This is all the -- my dates may be a 10:23:38
3 little bit off, it's all a very well documented -- 10:23:56
4 documented with videos and test results and everything. 10:23:56
5 So we then on that day, I think, I duplicated a 10:24:04
6 10-degree soak, 10-degree failure three times. I pulled 10:24:08
7 together every X-Mark Pro model 700 rifle that was in 10:24:16
8 working condition out of our gun library and I think that 10:24:24
9 was 10 or 11 rifles. 10:24:27
10 Q. (BY MR. CHAFFIN) Gun library located in 10:24:29
11 Elizabeth -- 10:24:29
12 A. Elizabethtown. Elizabethtown. I took all of them 10:24:27
13 and the -- I -- I have to go back to the video, but I 10:24:27
14 believe the Otto rifle was also included and put them all in 10:24:27
15 a 10-degree soak, and pulled them out. And the only rifle 10:24:42
16 that failed was the Otto rifle. The other 10 did not fail. 10:24:49
17 I did a negative 20-degree F test and, on the 10:24:56
18 negative 20-degree test, every gun passed including the Otto 10:25:05
19 rifle. So now I had duplicate what Ilion had, the gun not 10:25:10
20 failing at negative 20 degrees F, every gun not failing at 10:25:12
21 negative 20 degrees F. At 10 degrees F, the Otto gun is 10:25:22
22 failing but none of the other guns are failing. 10:25:22
23 So then the search was on, what is different about 10:25:22
24 the Otto gun and the -- the other rifles. We went through 10:25:22
25 an employee -- or got the help of Mr. Ryan Henserling, 10:25:22

1 our -- our Ph.D. in materials and our metallurgist and we 10:25:22
2 were going through everything. 10:25:22

3 Q. Where's Mr. Henserling located? 10:25:23

4 A. He's Elizabethtown. 10:25:41

5 Q. Still there? 10:25:41

6 A. No. No. He's left the company. Because the -- 10:25:23
7 the Elizabethtown facilities -- 10:26:01

8 Q. Where is he? 10:26:03

9 A. I'm not -- I don't know for sure. I do know that 10:26:04
10 since they have -- they're closing down the Elizabethtown 10:26:04
11 facility, they've had a lot of people transition out of the 10:26:04
12 company. 10:26:04

13 We went through the ones that failed, the ones 10:26:33
14 that didn't fail -- or the one that failed and the ones that 10:26:38
15 didn't fail, and the Loctite was noted to be on all of them 10:26:43
16 on the blocker. It was there on all -- 10:26:50

17 Q. Every -- every gun that you -- all 11 guns now 10:26:50
18 that you speak of had Loctite, which is Super Glue 10:26:50
19 basically, right? 10:26:50

20 A. No, it's not Super Glue. 10:26:51

21 Q. Well, Loctite makes Super Glue, don't they? 10:26:55

22 A. I don't know if Loctite makes a brand of Super 10:26:55
23 Glue or not. It's not Super Glue. 10:26:55

24 Q. It's a type of glue, isn't it? 10:27:12

25 A. No. It's a threadlocker. The -- the stuff that 10:27:13

1 we're talking about is a threadlocker. 10:27:13

2 Q. Well, thread -- threadlocker's a type of glue, 10:27:20
3 isn't it, it glues something together, doesn't it? 10:27:20

4 A. It is a bonding agent that chemically bonds the 10:27:24
5 screw -- the metal of the screw to the metal of the fastener 10:27:30
6 that is -- it's -- or what it's being threaded into and you 10:27:35
7 have to have the appropriate locker for it to actually get 10:27:35
8 the chemical bond. 10:27:35

9 And, in this case, you've got Loctite 660 an -- 10:27:36
10 which is bonding the blocker to the blocker screw. 10:27:36

11 Q. Bonding the what, the block -- 10:27:49

12 A. The blocker -- the blocker, the safety blocker. 10:27:49

13 Q. Yes. 10:27:49

14 A. To the blocker screw. 10:27:49

15 Q. Okay. 10:27:36

16 A. They're two -- two compon -- 10:27:57

17 Q. Two pieces -- 10:27:57

18 A. They both -- they both have the word blocker in 10:27:57
19 them but they're two -- 10:27:57

20 Q. Right. I get -- I get -- 10:27:57

21 A. -- two separate components. 10:27:57

22 Q. I -- know what the blocker is. 10:28:00

23 A. Okay. Now, so I got, I think, 11 firearms that 10:28:01
24 have Loctite on the blockers, only one of them failed, so 10:28:01
25 know what is going on. 10:28:28

1 So we continue to look and what's noted is is that 10:28:31
2 the blocker on the Otto rifle, the -- the Loctite on the 10:28:39
3 Otto rifle is in a different physical state than the Loctite 10:28:43
4 on the other rifles. 10:28:49

5 Q. And how's that? How is it a different physical 10:28:50
6 state? 10:28:50

7 A. It is in a liquid state, betw -- on the face of 10:28:54
8 the trigger and on the face of the blocker screw, there is 10:28:58
9 puddling. There are -- there is little puddles of Loctite, 10:29:02
10 uncured Loctite. 10:29:06

11 Now, the thing is, is -- and how Loctite differs 10:29:09
12 from, quote, unquote, glue, is Loctite will never -- the 10:29:13
13 Loctite 660 will never set up unless you're in a metal to 10:29:18
14 metal environment and anaerobic, meaning there's no oxygen. 10:29:22
15 Okay. 10:29:31

16 The Loctite -- for the threads of the Otto rifle 10:29:31
17 blocker were bonded and set up. But the Loctite at -- on 10:29:36
18 the blockier tip -- blocker screw tip and the trigger was 10:29:36
19 liquid and was puddled. 10:29:49

20 Q. So -- so just to be clear now, the Otto rifle at 10:29:49
21 the time you received it was, what, four years old? 10:29:55

22 A. I don't remember the date of the -- 10:30:02

23 Q. Well -- 10:30:04

24 A. -- or manufacturing of the Otto rifle. 10:30:04

25 Q. -- he described that he had shot the rifle and had 10:30:04

1 the first malfunction 2012, so it was at least a couple of 10:30:04
2 years old, right? 10:30:04

3 A. I have no reason to disagree with him. 10:30:15

4 Q. All right. So -- so here -- here you got a rifle 10:30:17
5 that's got puddling sealant in a liquid form on the tip of 10:30:19
6 the blocker screw, right? 10:30:22

7 A. Not sealant. There's -- there is sealant used on 10:30:24
8 the fire control and I don't want people confusing what's 10:30:24
9 what. 10:30:24

10 Q. Well -- 10:30:24

11 A. This is a threadlocker. I think it's pretty -- I 10:30:24
12 mean, it's -- it's the name, threadlocker, okay. There's 10:30:24
13 liquid Loctite 660, which is not a sealant, that is between 10:30:24
14 the trigger and on -- and -- and the blocker screw. 10:30:24

15 Q. Well -- well -- well, what you mean, is your 10:30:24
16 testimony today that Loctite 660 is not a sealant, is that 10:30:24
17 your testimony under oath? 10:30:24

18 A. Yeah. It's not a sealant. It's a threadlocker. 10:30:24

19 Q. And has -- has Loctite 660 ever been characterized 10:30:22
20 as a sealant in any particular press release issued by 10:30:22
21 Remington? 10:30:28

22 A. I have no -- it's -- I have no idea if they 10:31:08
23 characterize Loctite 660 as a sealant. 10:31:10

24 Q. Well, has Remington ever said that the problem 10:31:15
25 with the malfunction in the XMP fire control is excess 10:31:16

1 sealant in the fire control? 10:31:16

2 A. I don't know if they used sealant or -- or what. 10:31:27

3 If -- 10:31:29

4 Q. As we sit -- 10:31:30

5 A. -- if they did use sealant, that's a 10:31:31

6 mischaracterization, it's a threadlocker. 10:31:33

7 Q. So your testimony is that Loctite 660 is not a 10:31:34

8 sealant, is that your testimony today, sir? 10:31:34

9 A. As I understand Loctite 660, I would never call 10:31:43

10 it -- classify it as a sealant, I would classify it as a 10:31:43

11 threadlocker. The sealant is what we put on the tamper -- 10:31:43

12 for tamper evidence to see on the screws. 10:31:43

13 Q. And is -- is -- is the sealant for tamper 10:31:56

14 evidence, is that another brand of Loctite or is that -- 10:31:57

15 A. That's Duco cement. Well, it used to be. I think 10:32:01

16 it's something different -- 10:32:01

17 Q. All right. So -- 10:32:01

18 A. -- now. 10:32:01

19 Q. -- so you're -- you're now have in your possession 10:32:07

20 a two or three or four-year-old firearm that has a liquid 10:32:10

21 threadlocker located on the tip of the blocker screw, right? 10:32:11

22 A. Correct. 10:32:22

23 Q. And -- and that, of course, is a product that is 10:32:23

24 defective, right? 10:32:25

25 MR. WILLS: Ob -- object to the form. Go 10:32:27

1 ahead. 10:32:27

2 A. The Otto rifle with the -- what we determined was 10:32:27

3 is the Otto rifle with the presence of the liquid sealant 10:32:34

4 between the blocker and the trigger would cause a discharge 10:32:37

5 when moved from safe to fire at 10 degrees but would not 10:32:37

6 cause a discharge at negative 20 degrees Fahrenheit. 10:32:37

7 Q. (BY MR. CHAFFIN) And -- and did you test the Otto 10:32:51

8 rifle at 20 degrees after that? 10:32:51

9 A. I believe so. 10:32:56

10 Q. And it failed at 20 degrees, didn't it? 10:32:56

11 A. I don't remember. I'd have to look at the test 10:32:59

12 data. 10:32:59

13 Q. All right. Well, let's -- let's -- did it fail at 10:33:02

14 30 and 40 degrees, too? 10:33:02

15 A. Again, I'll have to look at the test data. I 10:33:05

16 don't have all the testing from a year ago committed to 10:33:05

17 memory. 10:33:05

18 Q. Okay. Well, I interrupted your story. Then you 10:33:10

19 go ahead with your story. And your story was that now you 10:33:10

20 have discovered that Otto rifle has a liquid threadlocker on 10:33:10

21 the tip of the blocker screw that's not supposed to be 10:33:20

22 there. And what do you do next? 10:33:23

23 MR. WILLS: You interrupted his narrative not 10:33:25

24 his story, but go ahead. 10:33:25

25 A. We had discovered the -- the -- at that point, the 10:33:27

1 only difference that we could find between the rifle that 10:33:27
2 was failing at 10 degrees and the other rifles that were not 10:33:27
3 failing at 10 degrees was the -- was the presence of liquid 10:33:27
4 Loctite versus nonliquid Loctite. 10:33:27

5 Q. (BY MR. CHAFFIN) And let me -- let me just show a 10:33:32
6 couple of photos for the jury so they can follow along with 10:33:32
7 that screw we just looked at now. What we're looking at 10:33:32
8 here now, can you see this okay on your screen there? 10:33:32

9 MR. WILLS: I can see it. Yeah. 10:34:02

10 Q. (BY MR. CHAFFIN) And I'm just going to show it to 10:34:02
11 you so you can look at it up close, too, in case it looks 10:34:02
12 any different. 10:34:02

13 MR. WILLS: Bob, let's mark these. 10:34:02

14 MR. CHAFFIN: I will. 10:34:02

15 MR. WILLS: While he's referring to them so -- 10:34:02

16 MR. CHAFFIN: Okay. 10:34:02

17 MR. WILLS: -- we'll know -- 10:34:02

18 MR. CHAFFIN: We'll -- we'll mark this first 10:34:02
19 one that we used at Watkins 1. 10:34:02

20 MR. COONEY: And that's the one you drew on? 10:34:02

21 MR. CHAFFIN: Yeah. 10:34:04

22 Q. (BY MR. CHAFFIN) And the picture you're now 10:33:25
23 holding, we're going to mark that as Watkins 2. Okay. 10:33:25

24 * * * * * 10:33:25

25 (Whereupon, documents were marked Exhibit No. 1 & 2.) 10:33:25

1 * * * * * 10:33:25

2 | A. Okay. 10:34:05

3 | Q. You see it? 10:34:06

4 A. Yeah. 10:34:06

5 Q. And just -- let me get the -- the camera because 10:34:06

6 | our -- our -- our light doesn't seem to be the same from the 10:34:06

7 | blowup machine as it does directly here, let's focus on 10:34:06

8 | that. 10:34:06

9 MR. CHAFFIN: Can you put it on the screen for 10:34:09

10 | us and there we go. Come right up close. There you go. 10:34:09

11 O. (BY MR. CHAFFIN) And -- and what we're looking at 10:34:06

12 | there, Mr. Watkins, can you tell us what that is. 10:34:06

13 A. That's a blocker screw in a blocker in -- with the 10:34:10

14 safety in the fire position so the blocker is separated -- 10:34:18

15 Q. But -- but most importantly -- 10:34:18

```
16 | A.  -- from the safe -- from the trigger. 10:34:18
```

17 Q. Most importantly to us, we're looking at a blocker 10:34:18

18 | screw here that's a clean blocker screw with no sealant, no 10:34:18

```
19 | threadlocker on it, the way it's supposed to be in a 10:34:18
```

20 | correctly manufactured XMP rifle, correct, sir? 10:34:18

21 | A. That is a clean blocker screw, correct. 10:35:15

22 Q. This is the way the blocker screw is supposed to 10:35:17

23	appear in a correctly manufactured XMP model 700, correct,	10:35:17
----	--	----------

24 | sir, yes or no? 10:35:17

25 MR. WILLS: You can answer the question as you 10:35:18

1 see fit. 10:35:18

2 A. Yeah. I would agree that that is the way a 10:35:26

3 blocker screw is supposed to look as it comes out of the 10:35:26

4 factory. 10:35:26

5 Q. (BY MR. CHAFFIN) Right. This is a correct looking 10:35:36

6 blocker screw, right? 10:35:37

7 A. I would agree that that is a blocker screw as it 10:35:39

8 is supposed to appear as it comes out of the factory. 10:35:39

9 Q. And -- and it has absolutely nothing whatsoever on 10:35:39

10 the tip of it, does it? 10:35:39

11 A. That one has nothing on the tip. 10:35:49

12 Q. And that's because it's not supposed to, is it? 10:35:51

13 A. It can have graphite on it and that's fine. 10:35:52

14 Q. And now you examined the Otto rifle and I'm going 10:35:55

15 to -- just so we get it clear here. I'll mark that as 10:36:00

16 Watkins 2. 10:36:00

17 MR. COONEY: That being the prior picture? 10:36:06

18 MR. CHAFFIN: That being the -- what we'll 10:36:06

19 call the clean blocker screw. 10:36:06

20 * * * * * 10:36:06

21 (Whereupon, a document was marked Exhibit No. 3.) 10:36:06

22 * * * * * 10:36:06

23 Q. (BY MR. CHAFFIN) And here I'm going to show one as 10:36:01

24 Watkins 3 and represent to you that this is a photograph of 10:36:01

25 the Otto rifle blocker screw taken from one of the videos -- 10:36:01

1 closeup videos that you made. Do -- do you recognize the 10:36:32

2 picture, Mr. Watkins? 10:36:36

3 A. You're holding the paper in front of the screen so 10:36:37

4 it's -- 10:36:37

5 Q. Okay. I am -- 10:36:37

6 A. -- kind of hard for me to see. 10:36:37

7 Q. I'll let you look at it first. Do you -- there's 10:36:38

8 a screen over there, too, you see that screen? 10:36:38

9 A. Yeah. But it's -- it's kind of hard for me to 10:36:39

10 see. It's a picture of a blocker with what appears to be 10:36:39

11 liquid Loctite on the tip. I'd have no idea if it's the 10:36:39

12 Otto rifle or not. 10:36:39

13 Q. So, when -- when you -- I'll -- I'll -- I'll tell 10:36:58

14 you that it is the Otto rifle from your exhibit, which I can 10:36:58

15 prove it up in this number 1199 is produced by Remington. 10:36:58

16 And so just -- I'm going to put it here now so the jury can 10:36:58

17 see it a little better but the colors aren't exactly right. 10:36:58

18 MR. CHAFFIN: But put it on the screen for us, 10:36:59

19 please. 10:36:59

20 MR. WILLS: Bob, trying turning your lens at 10:37:02

21 the top and see if that helps at all. 10:37:02

22 MR. CHAFFIN: Give -- give us a focus again 10:37:02

23 right would you. That's what we're doing, is we're getting 10:37:02

24 too much brightness from the edges of the picture here. 10:37:02

25 MR. WILLS: But what -- what I'm saying, what 10:37:02

1 I was thinking is if you turn the camera flat to it as 10:37:02

2 opposed to it's at an angle now if you look down on it. 10:37:39

3 A. Oh, you're trying to get the focal plane actually 10:37:39

4 a plane, is that what you mean? 10:37:39

5 MR. CHAFFIN: I'm trying to get the colors to 10:37:39

6 match up exactly right. 10:37:39

7 Q. (BY MR. CHAFFIN) I'll tell you what I'm going to 10:37:39

8 do, I'm going to hold it up so -- I don't want to get any 10:37:39

9 distortion in the colors. 10:37:39

10 MR. CHAFFIN: Can you focus in on it, 10:37:44

11 Mr. Cameraman, we'll put it on the screen. All right. And 10:37:44

12 can you zoom in a little closer on it. 10:37:44

13 THE VIDEOGRAPHER: That's as far as I can go. 10:37:48

14 Q. (BY MR. CHAFFIN) All right. And do you see 10:37:39

15 here -- you can see on the screen over there, Mr. Watkins, 10:37:39

16 all this material in here, what is this? 10:37:39

17 A. That appears to be the liquid Loctite. 10:37:53

18 Q. And what we're looking at right now is what would 10:37:53

19 be considered a contaminated blocker screw, right? 10:37:53

20 A. That would be a blocker screw that's got liquid 10:38:09

21 Loctite on the tip, between the tip of the blocker and on 10:38:09

22 the trigger itself. 10:38:09

23 Q. It's -- it's contaminated with an improper 10:37:53

24 substance, isn't it? 10:37:53

25 A. It has liquid Loctite on the blocker screw and on 10:38:23

1 the trigger. 10:38:23

2 Q. Is it not -- is that liquid Loctite supposed to be 10:38:24

3 there? 10:38:24

4 A. No. 10:38:44

5 Q. Do you know what the word contaminated means? 10:38:44

6 You're really a smart guy, Mr. Watkins, I know that. You 10:38:45

7 got a -- 10:38:45

8 MR. WILLS: Object to the form. 10:38:45

9 Q. (BY MR. CHAFFIN) -- you have a master's in 10:38:45

10 mechanical engineering, you're -- you're a lot smarter than 10:38:45

11 anybody else in the room so do you know what the word 10:38:45

12 contaminated means? 10:38:45

13 MR. WILLS: Object to the form. 10:38:45

14 A. Depends on the context. 10:38:49

15 Q. (BY MR. CHAFFIN) Well, is -- 10:38:51

16 A. But, in general, yes. 10:38:51

17 Q. In engineering terms, this product is 10:38:52

18 contaminated, isn't it, because it has an improper substance 10:38:52

19 where it's not supposed to be, right? 10:38:52

20 MR. WILLS: Object to the form. 10:38:52

21 A. It has liquid Loctite where it's not supposed to 10:38:52

22 be. 10:38:52

23 Q. (BY MR. CHAFFIN) And the liquid Loctite, in this 10:38:49

24 photograph, is causing the trigger to stick to the blocker 10:38:49

25 screw, right? 10:38:49

1 A. It depends on the temperature. 10:39:23

2 Q. Well, in this photograph that we're looking at, 10:39:26
3 the trigger is sticking to the blocker screw, isn't it? 10:39:28

4 A. It's not being displaced by the blocker screw at 10:39:31
5 all. 10:39:33

6 Q. What do you mean by that? 10:39:35

7 A. Meaning, the trigger is fully underneath the sear 10:39:38
8 and it is a safe condition. 10:39:38

9 Q. Well, actually, what you discovered was, in your 10:39:42
10 investigation, was that when this sealant or threadlocker 10:39:45
11 sticks between the blocker screw and the trigger, it 10:39:50
12 actually will sometimes pull the trigger out of position, 10:39:50
13 right? 10:39:56

14 A. If -- if given the proper temperature band, what 10:39:59
15 we found was this liquid Loctite would pull the trigger out 10:40:02
16 from under the sear when it was moved from safe to fire. 10:40:07

17 Q. All right. So the condition that we're looking at 10:40:13
18 right now in this picture, that potentially would cause the 10:40:14
19 trigger to be pulled into a dangerous position causing the 10:40:16
20 rifle to fire without pulling the trigger, right, 10:40:18
21 potentially? 10:40:18

22 A. If it was the right temperatures, it's -- it's 10:40:18
23 definitely a potential. 10:40:18

24 Q. Definitely a potential -- 10:40:18

25 A. At the right -- 10:40:21

1 Q. -- with the condition we're looking at right here 10:40:18
2 would cause the rifle to fire without the trigger being 10:40:18
3 pulled, right? 10:40:18

4 A. With the proper temperature soak before, with the 10:40:24
5 gun being in safe before, and flipping from safe to fire, 10:40:24
6 that liquid Loctite, if it's at the proper temperature, 10:40:24
7 could pull the trigger forward. 10:40:24

8 Q. Okay. So, under certain conditions then, the 10:40:25
9 condition that we're looking at now, will cause the gun to 10:40:25
10 fire without the trigger being pulled, right, yes or no? 10:40:25

11 A. I'm not going to give you a yes or no because your 10:40:37
12 question is overly broad and we're talking -- and you're 10:40:37
13 trying to, as I see it in your statement, make it apply to a 10:40:37
14 wide range when that's not true. 10:40:37

15 When liquid Loctite, in that condition, per our 10:40:37
16 testing, had to be at a proper temperature with the safety 10:40:37
17 in the fire position -- or safe position and a soak at that 10:40:37
18 temperature. And then when moved from safe to fire, it 10:40:37
19 could pull the trigger forward at that temperature, not all 10:40:37
20 temperatures. 10:40:37

21 Q. Well, you -- you didn't test it at 50 degrees, did 10:40:51
22 you? 10:40:51

23 A. I don't believe I did, no. 10:40:51

24 Q. So you didn't test it at 60 degrees, did you? 10:40:51

25 A. We'll have to go back and look at the testing but 10:41:44

1 I don't believe so. 10:41:44

2 Q. Okay. So you tested it up to 40 degrees, didn't 10:41:46
3 you? 10:41:46

4 A. Have to go look at the testing. I don't know. 10:41:46

5 Q. Well, I looked at it, so you only tested it to 40 10:40:51
6 degrees, didn't you? 10:40:51

7 A. I'm not taking your word for anything. We'll look 10:41:47
8 at the data and the data will speak the truth. 10:41:47

9 Q. All right. 10:41:57

10 A. Not you. 10:41:57

11 Q. So, if you didn't test it at a certain temperature 10:41:47
12 range, you don't know whether or not it would fail at that 10:41:47
13 range, do you? 10:41:47

14 A. I cannot say with absolute certainty that liquid 10:42:14
15 Loctite would fail at the temperatures I did not test it. 10:42:19

16 Q. All right. An -- an -- and, as a matter of fact, 10:42:25
17 do -- do you know of any other reason that the XMP model 700 10:42:26
18 will fire without the trigger being pulled -- other than 10:42:26
19 that -- you have ever seen -- other than the Loctite being 10:42:36
20 improperly applied to either the blocker or the engagement 10:42:37
21 screw? You know of any other reason it'll fire without the 10:42:37
22 trigger being pulled? 10:42:44

23 A. The X-Mark Pro was no different than any other 10:42:47
24 fire control on the market that I know of. It is subject to 10:42:47
25 user alteration. User alteration can make a fire control -- 10:42:48

1 Q. Let's eliminate that. 10:42:49

2 A. -- discharge -- 10:42:49

3 Q. Let's eliminate that. 10:42:49

4 A. Please let me finish my answers. They're my 10:42:49
5 answers, not yours, okay? All right. 10:42:49

6 Q. Well, then withdrawal it. I'll withdrawal that 10:42:49
7 question, then. 10:42:49

8 Assuming that the rifle is in factory standard 10:42:49
9 condition, being XMP rifle, a ri -- or XMP rifle, in factory 10:42:49
10 standard condition, do you know of any other known cause 10:42:52
11 that will make the rifle fire without the trigger being 10:42:52
12 pulled other than excess Loctite on the tip of the blocker 10:42:52
13 screw or the engagement screw? 10:42:52

14 A. Excess Loctite is not a factory standard 10:43:45
15 condition. 10:43:45

16 Q. I said other than that. I said do you know of any 10:43:48
17 condition that will make the rifle fire that's in fac -- 10:43:48
18 standard condition other than Loctite on the tip of the 10:43:48
19 blocker or engagement screw, do you know of any other thing 10:43:48
20 that will make fire like that? 10:43:48

21 A. As I interpret your -- your question, slash, 10:44:06
22 statement, you're implying that Loctite on the end of the 10:44:06
23 blocker is a factory standard condition, it is not. 10:44:06

24 The only way I know of an X-Mark Pro to fire in a 10:44:06
25 factory standard position is with the bolt cocked, the 10:44:06

1 safety in the fire position, and the trigger pulled. 10:44:06

2 Q. All right. So, if an X-Mar -- the -- the only way 10:44:28
3 you know that any X-Mark Pro, in factory standard condition, 10:44:28
4 with the exception of Loctite on the tip of the blocker 10:44:28
5 screw or the engagement screw could fire is with the trigger 10:44:28
6 being pulled, right? 10:44:28

7 A. Loctite on the tip of the trigger -- or tip of the 10:43:48
8 blocker screw is not a factory standard condition. 10:43:48

9 Q. Am -- am I -- is my question confusing? I'm 10:44:53
10 trying to except that from the factory standard. 10:44:53

11 Let's just assume the rifle is in factory standard 10:44:53
12 condition, with the one exception being, Loctite on the tip 10:44:53
13 of the blocker or the tip of the engagement, can you -- can 10:44:53
14 you make that assumption with me? 10:44:53

15 A. So, if I'm trying -- I'm trying to understand your 10:44:54
16 question. If you're saying that if you take a factory 10:44:54
17 standard X-Mark Pro and put liquid Loctite on it? 10:44:54

18 Q. Well, let's just go back to the time period 10:44:54
19 between 2007 and 2013, that six-year period. During that 10:44:54
20 six-year period, Remington made rifles that came out in 10:45:44
21 factory standard condition with Loctite on the tip of the 10:45:44
22 blocker and tip of the engagement screw, right, sir? 10:45:44

23 A. They came out of the factory with that on there, 10:45:44
24 that was not design or production intent. 10:45:44

25 Q. Your testimony today is it was not the intent when 10:45:45

1 they were producing these rifles to have Loctite, in that 10:45:45
2 time period that we just discussed, on the tip of the 10:45:45
3 blocker or the tip of the engagement, is that your 10:45:45
4 testimony? 10:45:45

5 A. My testimony is as -- as I understand it, the 10:45:58
6 design nor production intended for liquid Loctite to be on 10:45:58
7 the tip of the blocker screw when the firearms left the 10:45:58
8 factory. 10:45:58

9 Q. So any firearm that -- that left the factory 10:46:05
10 with -- with this Loctite on the tip of the blocker screw or 10:46:05
11 the engagement screw, in the time period we just discussed, 10:46:05
12 would have been defectively manufactured then, right? 10:46:05

13 MR. WILLS: Object to the form; incomplete 10:45:59
14 hypothetical. Go ahead. 10:45:59

15 A. The -- any -- any X-Mark Pro that left the factory 10:46:06
16 between 2006 to 2014 recall date, that had liquid -- liquid 10:46:10
17 Loctite on the tip of the blocker was not to design 10:46:16
18 specifications. 10:46:16

19 Q. (BY MR. CHAFFIN) Should that have been discovered 10:46:26
20 on inspection before the fire -- the rifle left the factory 10:46:39
21 then, that it had Loctite on the tip of the blocker? 10:46:44
22 Isn't -- isn't there a final factory inspection that takes 10:46:44
23 place before you ship the rifle out? 10:46:44

24 A. Every rifle is a hundred percent function tested 10:46:53
25 before it leaves the factory. 10:46:53

1 Q. It's inspected, right? 10:46:53

2 A. The function testing is part of the inspection. 10:46:57

3 Q. And -- and the actual tip of the blocker screw is 10:46:59

4 physically visible when you look at it in the fire control, 10:47:02

5 isn't it? 10:47:02

6 A. Correct. 10:47:06

7 Q. So, if these rifles had been properly inspected at 10:47:06

8 the factory, they never should have left the factory with 10:47:10

9 any type of Loctite on the tip of the blocker screw, right, 10:47:10

10 sir? 10:47:10

11 A. The Loctite was not known to be an issue. It 10:47:19

12 was -- and it wasn't causing failures in the factory so 10:47:24

13 whether or not they would pick up on that and -- and 10:47:28

14 classify that as a problem, I don't see that they would. 10:47:34

15 Q. But the question is, sir, you -- you just 10:47:39

16 testified in design specifications, there's not supposed to 10:47:40

17 be any Loctite on the tip of the blocker screw, you 10:47:42

18 testified to that just a minute ago, remember that? 10:47:47

19 MR. WILLS: You're mischaracterizing his 10:47:49

20 testimony. He said liquid Loctite, Bob. 10:47:49

21 Q. (BY MR. CHAFFIN) You testified that there's 10:47:48

22 supposed to be no liquid Loctite on the tip of the blocker 10:47:48

23 screw when it leaves the factory, by design specifications, 10:47:48

24 at any time, right? Yes or no. 10:47:48

25 A. As I understand the drawings, there is no call-out 10:48:04

1 for Loctite liquid being on the tip of the blocker. 10:48:08

2 Q. No call-out, what does that mean? 10:48:15

3 A. It's not part of the design. 10:48:17

4 Q. Not supposed to be there, right? 10:48:19

5 A. Per the drawings, it's not supposed to be there. 10:48:20

6 Q. Right. An -- an when you -- when you inspect 10:48:21

7 things at the factory, they're not supposed to leave the 10:48:21

8 factory unless they match the specs of the drawings, right? 10:48:21

9 A. That's correct. 10:48:20

10 Q. And so maybe a million rifles left the factory 10:48:22

11 that didn't match the specs on the drawings, right? 10:48:23

12 A. The rifles that had liquid Loctite on the -- 10:48:23

13 between the blocker and the trigger, did not match the 10:48:24

14 drawings. 10:48:24

15 Q. And those left the factory without being properly 10:48:47

16 inspected or else that would have been detected and they 10:48:49

17 would have been stopped before they the door of the factory, 10:48:49

18 right? 10:48:49

19 A. I don't know that. 10:48:51

20 Q. You don't know that? 10:48:56

21 A. No. Because if it's -- wasn't generating a 10:48:58

22 failure mode and somebody wasn't educated to look for that 10:48:58

23 specifically, then how would they know to call it out. 10:48:58

24 Q. Well, it was actually -- Remington received many 10:49:07

25 complaints that the rifles were firing without the trigger 10:49:10

1 being pulled way before you got the video in 2014, didn't 10:49:12

2 they? 10:49:17

3 A. Which product are we talking about? 10:49:19

4 Q. The XMP rifle. 10:49:20

5 A. They had complaints, I believe, on the X-Mark Pro 10:49:23

6 before I saw the Otto video. 10:49:27

7 Q. Years before that, right, hundreds of them? 10:49:32

8 A. I'm not for sure how many there were. 10:49:35

9 Q. Well, anytime that Remington received in their 10:49:38

10 factory there a video that a customer sends in that shows 10:49:41

11 the Remington X-Mark Pro rifle failing in factory condition, 10:49:45

12 as he received it, and firing without the trigger being 10:49:45

13 pulled, that's enough to alert you you got a serious problem 10:49:45

14 with the product, isn't it? 10:49:45

15 A. You are alerted when you have a serious product -- 10:49:57

16 problem with the product when you can reproduce the problem, 10:49:58

17 accusations in and of themselves are not enough. 10:49:58

18 Q. Well -- 10:49:59

19 A. You have to use scientific method, witness, 10:49:59

20 reproduce, verify. 10:49:59

21 Q. Well, when you got the Otto rifle, you stuck it a 10:50:15

22 freezer just like I have at my house at 10 degrees, you left 10:50:16

23 it there for a few hours, you pulled it out and, boom, it 10:50:16

24 malfunctioned, right? 10:50:16

25 A. Correct. 10:50:16

1 Q. So it wasn't rocket science, was it? 10:50:16

2 A. The jump that the negative 20 degrees temperature 10:50:32

3 is not worse than 10 degrees temperature was never 10:50:40

4 considered, as far as I know. 10:50:41

5 The -- as far as I understand it, the theory and 10:50:47

6 my thoughts, up until this incident, was colder was worse. 10:50:52

7 And it wasn't until we ex -- experimented with that 10:50:59

8 intermediate and then discovered the liquid -- the existence 10:51:03

9 of liquid Loctite that we were able to put it altogether. 10:51:09

10 MR. WILLS: Let's take a break. We've been 10:52:17

11 going an hour and 15 minutes. 10:52:17

12 MR. CHAFFIN: Take a break. 10:51:10

13 THE VIDEOGRAPHER: We're going off the record. 11:04:33

14 * * * * * 11:04:42

15 (Break taken.) 11:04:42

16 * * * * * 11:04:42

17 THE VIDEOGRAPHER: Back on the record. 11:04:42

18 Q. (BY MR. CHAFFIN) Mr. Watkins, as you so aptly 11:04:42

19 pointed out a little earlier, I sometimes do rudely 11:04:44

20 interrupt the person who's answering the question, right. 11:04:44

21 So, at this point in time, could you go back and 11:04:44

22 now let's pick up the narrative or the story again about the 11:04:44

23 failure of the XMP rifle from the time that you discovered 11:04:44

24 that the Otto rifle would fail at 10 degrees and what you 11:04:44

25 did next. 11:05:09

1 You picked up 10 more rifles that didn't test 11:05:09
2 positive, so let's pick it up from that point. 11:05:09

3 A. All right. We -- we had verified -- we had -- we 11:05:15
4 had reproduced Ilion's findings, it would not fail at 11:05:15
5 negative 20 degrees F, the Otto rifle would fail at 10 11:05:18
6 degrees F. 11:05:26

7 The other rifles that we tested would not fail at 11:05:28
8 negative 20 and they would not fail at 10. 11:05:28

9 So we went through and we're looking at everything 11:05:28
10 to see what was different. The difference that we found on 11:05:28
11 the Otto rifle was is that there was liquid Loctite on the 11:05:43
12 tip of the blocker, blocker screw and on the trigger face 11:05:46
13 that it mated with the blocker screw. 11:05:46

14 Q. Okay. Just -- just -- just to interrupt just a 11:05:59
15 minute there. And it's not suppose to be in a liquid form 11:05:59
16 at this stage right? 11:05:59

17 A. It should not be there. 11:05:59

18 Q. Should not be there. So why -- why was the 11:06:00
19 sealant or threadlocker, why was it still in a liquid stage 11:06:00
20 some two, three years after the rifle was manufactured if 11:06:00
21 it's not suppose to be like that? 11:06:00

22 A. The 660 Loctite will only cure when it is between 11:06:05
23 metals, exposed to metals and in an anaerobic environment, 11:06:29
24 meaning, lack of oxygen. That's the reason it is a 11:06:31
25 threadlocker. 11:06:31

1 You -- when you put it on the threads of the screw 11:06:31
2 and drive the screw, you end up with the 660 in the threads 11:06:31
3 of both the blocker and on the screw. 11:06:31

4 And because the Loctite is on the ends of the -- 11:06:31
5 the screw, the -- not -- not the tip of the screw that's 11:06:31
6 exposed, but on the threads that come out at the end of the 11:06:31
7 blocker, you get a air seal there and you get an air seal at 11:06:31
8 the end where you were setting the screw. 11:06:31

9 And, therefore, you've now created a metal 11:06:31
10 environment without oxygen and it cures. And you end up 11:06:31
11 with the reaction to -- that then turns it into a solid. 11:06:31

12 So the 660 we found examples of it from 2006 where 11:06:33
13 it was still in liquid form. It will not -- 11:06:46

14 Q. Eight years later you're -- you're look -- and 11:06:48
15 you -- these examples were they on XMP rifles? 11:06:48

16 A. Yes. 11:06:48

17 Q. Okay. So, in a little investigation here, eight 11:06:58
18 years after the rifle was manufactured, you're still finding 11:06:58
19 liquid sealant -- or I'm going to call it glue -- on the tip 11:06:58
20 of the blocker screw, right? 11:06:58

21 A. No. I disagree with your statement of glue. 11:07:12

22 Q. Okay. Well, let's -- 11:06:48

23 A. It's -- it's -- it -- we're finding -- we're -- 11:07:12
24 we're finding liquid Loctite on the tip of the blocker screw 11:07:12
25 on fire -- on -- on a fire control that was manufactured in 11:07:12

1 2006. 11:07:12

2 Q. And this is in 2014 you're finding this, right? 11:07:12

3 A. Correct. 11:07:19

4 Q. So you got a liquid form of sealant or 11:07:19

5 threadlocker in the fire control eight years after it's 11:07:19

6 supposed to be dried up, right? 11:07:19

7 A. Well, it's not supposed to be there at all. Where 11:07:50

8 it was supposed to be, it was already cured. So, in the 11:07:50

9 area where it was not supposed to be, because it was not 11:07:50

10 exposed to an anaerobic environment, it did not set. 11:07:50

11 Q. All right. So go ahead with your story. Now -- 11:07:50

12 now that's what you've identified. Now, the problem you've 11:07:50

13 identified now, as I understand it is, you got liquid 11:07:50

14 Loctite that's still in a liquid form in the interior of the 11:07:50

15 fire control, right? 11:07:50

16 A. It's not a problem yet. It's a difference that we 11:09:02

17 have found. So now we make the following scientific ma -- 11:09:04

18 make the hypothesis that since this is the difference that 11:09:09

19 we're finding, that the state of the Loctite could be having 11:09:09

20 an effect. 11:09:09

21 So I go through other fire controls and I find 11:09:20

22 three more X-Mark Pros that have liquid Loctite present on 11:09:26

23 the tip of the blocker screw. 11:09:33

24 Q. Where'd you get those fire controls? 11:09:35

25 A. Those fire controls were supplied by Ilion. 11:09:38

1 Q. And were -- were those fire controls that were -- 11:09:41
2 had been removed from rifles that were returned to the 11:09:42
3 company with -- with complaints? 11:09:43
4 A. Correct. 11:09:48
5 Q. All right. 11:09:48
6 A. So -- 11:09:49
7 Q. You didn't actually have the rifles, you just had 11:09:49
8 the fire controls? 11:09:49
9 A. Correct. I only -- 11:09:52
10 Q. Did you put them in rifles? 11:09:53
11 A. Can I finish my narrative? 11:09:55
12 Q. Okay. So -- but you -- and you didn't tell us how 11:09:57
13 you came about requesting those fire controls as part of 11:09:57
14 your narrative. 11:09:57
15 A. They came from Scott Nichols. I'm trying to 11:10:07
16 remember the date. 11:10:12
17 Q. So did you call him up and -- 11:10:15
18 A. And I don't remember -- 11:10:17
19 Q. -- say, hey -- hey, Scott, do you have any fire 11:10:16
20 controls from rifles that have been returned with the 11:10:19
21 complaint they fired without the trigger being pulled? 11:10:21
22 A. No. I asked Scott to send me every X-Mark Pro 11:10:26
23 fire control he had that they had done examine -- an 11:10:27
24 examination on of fire on safety release but no fault found. 11:10:34
25 So just -- 11:10:37

1 Q. And how many did he send you? 11:10:41

2 A. I think there was 71. So -- 11:10:44

3 Q. And how -- how is it that they go about saving 11:10:44

4 those, is -- is there any particular method or mad -- to the 11:10:51

5 madness there, because I know there were more than 71 sent 11:10:51

6 to the company with that complaint. 11:10:51

7 A. The -- every rifle or product, shotgun, rifle, it 11:11:01

8 doesn't matter, every product that comes in to the Arm 11:11:08

9 Service department, if it's a Remington 700 and it has an 11:11:12

10 accusation of firing without a trigger pull and they replace 11:11:21

11 the fire control, they save the original fire control. They 11:11:25

12 take it and -- just -- just like you have right there on the 11:11:31

13 Young rifle. 11:11:35

14 They take the fire control, they put it in an 11:11:36

15 envelope, they label it with the name and the repair number 11:11:38

16 or I don't -- whatever's on the front of that envelope is 11:11:38

17 what they labeled it with, and then they put it in a storage 11:11:38

18 box and they keep them. 11:11:38

19 And that -- so I asked Scott to send me every 11:11:39

20 no-fault found fire control that had been -- had the 11:11:39

21 allegation of firing without a trigger pull. 11:11:39

22 Q. When'd you do that? 11:12:12

23 A. I'm trying to remember. I'm not for sure on the 11:12:14

24 date on that. Fire controls came in, I went through them, 11:12:17

25 found three more. 11:12:23

1 Q. How'd you go through them, when you say -- 11:12:26

2 A. One by one. Take -- 11:12:26

3 Q. What -- what -- 11:12:27

4 A. -- taking them out, looking at them under the 11:12:28

5 microscope and looking for liquid Loctite on the tip of the 11:12:28

6 blocker, I found three more. 11:12:35

7 Q. Did you also look to see if there was a deposit on 11:12:37

8 the face of the trigger when you did that? 11:12:39

9 A. The liquid Loctite is on both the trigger and the 11:12:42

10 blocker, it's on both. 11:12:45

11 Q. So -- so whenever you found one that had liq -- 11:12:47

12 had Loctite on the trigger and the blocker, you considered 11:12:48

13 that to be a problem fire control? 11:12:53

14 A. Everyone that I found that had liquid Loctite on 11:12:55

15 the blocker and the trigger, I considered for the testing at 11:12:58

16 that point. Again, problem hadn't been established, we're 11:13:04

17 doing root cause analysis. 11:13:07

18 Q. I get -- I get it. But, when you say liquid, 11:13:10

19 there must be some evidence of a deposit on the face of the 11:13:10

20 trigger, right? 11:13:10

21 A. Liquid Loctite was on the trigger, liquid -- 11:13:15

22 Q. Right. 11:13:16

23 A. -- Loctite was on the blocker. It was on both and 11:13:16

24 that's when I -- when I -- and that was the difference. 11:13:16

25 Q. Okay. So -- so just for -- for reference sake 11:13:16

1 then, let's -- let's show a picture here and we'll label 11:13:16
2 this one, see if we can just zoom in here. 11:13:16
3 MR. WILLS: Exhibit what? 11:13:16
4 MR. CHAFFIN: We're going to call it Watkins 11:13:16
5 4. It doesn't look that good on this one. 11:13:16
6 CAMERAMAN: Get back to the photo? 11:13:16
7 * * * * * 11:13:16
8 (Whereupon, a document was marked Exhibit No. 4.) 11:13:16
9 * * * * * 11:13:16
10 Q. (BY MR. CHAFFIN) We're going to be talking 11:13:16
11 about -- here's the trigger, right? 11:13:16
12 MR. WILLS: It's not on here. 11:13:16
13 MR. CHAFFIN: I'm sorry. 11:13:16
14 Q. (BY MR. CHAFFIN) The colors aren't too good here 11:13:16
15 but do -- this is the trigger, right? It's one of the 11:13:16
16 photographs you made, Mr. Watkins, okay. 11:13:16
17 A. I don't know if I made it or not. 11:13:16
18 Q. You did. 11:13:16
19 A. But it -- it -- how do you know that? 11:13:16
20 Q. Because it's labeled Watkins photographs on the -- 11:13:24
21 matters -- the materials that were produced, okay. 11:13:24
22 A. That doesn't mean that I made -- I took the 11:13:24
23 picture. 11:13:24
24 Q. Okay. So let's -- let's just assume that -- do 11:13:16
25 you see the trigger here? 11:13:16

1 A. Yes. I see the trigger. 11:14:14

2 Q. And do you see a deposit on the face of the 11:14:14

3 trigger? 11:14:14

4 A. I see solid Loctite on the front of the trigger. 11:14:14

5 Q. A deposit of Loctite, right? 11:14:14

6 A. I deposit of solid Loctite. 11:14:26

7 Q. And you see Loctite on the trigger, too, right? 11:14:26

8 A. I see Loctite material on the blocker and it looks 11:14:27

9 to be in a solid form. 11:14:27

10 Q. Well, at some point in time, the Loctite had to be 11:14:34

11 in a liquid form to be deposited from the blocker to the 11:14:37

12 trigger, right? 11:14:39

13 A. It was when it was initially done. What you're 11:14:41

14 seeing right there is what happens after the graphite is 11:14:44

15 added. 11:14:46

16 Q. But -- but -- after what's added? 11:14:49

17 A. Graphite. 11:14:49

18 Q. When do they add the graphite? 11:14:49

19 A. They add the graphite when they put the fire 11:14:52

20 control, I believe, it's when they put the fire controls 11:14:52

21 into the rifles, they add graphite as a lubricant. 11:14:52

22 The graphite mixes with the Loctite, ties it up, 11:14:52

23 and then you get what you see there on the screen. That's 11:14:52

24 not liquid. 11:14:52

25 Q. But we are seeing evidence in this photograph, are 11:14:52

1 we not, that at some point in time the blocker screw and the 11:14:52
2 trigger have been stuck together? 11:14:52

3 A. No, you're not. What you're seeing is is graphite 11:14:53
4 mixed in with the Loctite and that's not evidence that the 11:14:53
5 trigger was ever stuck to the blocker. 11:14:53

6 Q. Well, it had to be some liquid Loctite that 11:14:52
7 adhered to the face of the trigger to get the picture we're 11:14:52
8 looking at here at some point in time, correct, sir? 11:14:52

9 A. There was Loctite on the trigger, there was 11:15:44
10 Loctite on the blocker, there was the addition of graphite. 11:15:45
11 The -- 11:15:45

12 Q. The Loctite on the trigger has to get -- 11:15:51

13 MR. WILLIS: Let -- let him finish his answer. 11:15:52

14 Q. (BY MR. CHAFFIN) There's -- there's no Loctite 11:15:52
15 applied to the trigger itself, is there, in the -- in the 11:15:52
16 manufacturing process? 11:15:52

17 A. There's not supposed to be -- 11:16:00

18 Q. Okay. 11:16:01

19 A. -- Loctite there. 11:16:01

20 Q. So the Loctite has to be transferred from the tip 11:16:01
21 of the blocker to the face of the trigger to get there, 11:16:03
22 right? 11:16:03

23 A. When they -- in -- in this case, what we 11:16:09
24 determined was is they -- when they were setting the blocker 11:16:12
25 screw, they were pushing Loctite out the front of the hole 11:16:18

1 and it would end up between the blocker screw and the 11:16:22
2 trigger. 11:16:25

3 Q. So at some point in time -- I see what you're 11:16:27
4 saying when it was -- but at some point in time, this 11:16:30
5 blocker screw was stuck to the face of this trigger, right? 11:16:33

6 A. No. That -- no. You cannot make that statement 11:16:37
7 at all. No. That's -- that's -- that's just completely 11:16:39
8 unfounded. 11:16:40

9 Q. But at some point in time the blocker screw with 11:16:42
10 liquid Loctite came in contact with the face of the trigger, 11:16:44
11 didn't it? 11:16:48

12 A. Liquid Loctite came into contact at one point in 11:16:48
13 time, yes. 11:16:49

14 Q. And that is an improper manufacturing technique 11:16:53
15 right there, isn't it? 11:16:55

16 A. The liquid Loctite should not be there. 11:16:56

17 Q. So the Loc -- the -- the deposit of Loctite we see 11:16:59
18 on the face of this trigger is evidence of a defectively 11:17:02
19 manufactured gun, right? 11:17:04

20 A. Not per will that gun go off when the safety is 11:17:06
21 pushed from safe to fire at any temperature, no, that is not 11:17:09
22 evidence of that. 11:17:09

23 Q. Is it evi -- 11:17:15

24 A. Or a specific temperature. 11:17:15

25 Q. A specific temperature? 11:17:18

1 A. Meaning -- meaning, 10, 20, 30, 40, 50, 60, 70, 11:17:19

2 that's not -- what you have there is not evidence of that. 11:17:19

3 Q. What is it evidence of? 11:17:26

4 A. What it's evidence of is is you have mixture of 11:17:28

5 Loctite and graphite on the front of the trigger. 11:17:31

6 Q. And the mixture -- 11:17:35

7 A. And on the blocker. 11:17:35

8 Q. And the mixture of Loctite and graphite on the 11:17:35

9 front of the trigger and on the blocker is evidence of an 11:17:35

10 improper manufacturing technique, right, sir? 11:17:35

11 A. It's evidence that th -- the liquid Loctite that 11:17:35

12 wasn't supposed to be there was there before they mixed in 11:17:49

13 the graphite. Once they put the graphite on it, it 11:17:53

14 nullified it. 11:17:56

15 Q. Here's -- here's -- here's what I'm going to do. 11:17:57

16 I'm going to hold up for the jury to see, Watkins' number 2 11:17:57

17 and Watkins' number 4, see if we can come in a little close 11:17:57

18 on those. 11:17:57

19 And Watkins' number 2, you identified as being -- 11:17:58

20 excuse me -- a properly manufactured blocker screw and 11:17:58

21 trigger, right, you remember that? 11:17:58

22 A. Yes. 11:18:17

23 Q. And Watkins' number 4 here -- and there is no 11:18:18

24 Loctite on the pre -- presence of this trigger face, is 11:18:21

25 there? 11:18:25

1 A. That's correct. 11:18:25

2 Q. And in Watkins' number 4, we have Loctite on the 11:18:26
3 presence of the trigger face, right? 11:18:27

4 A. You have a mixture of Loctite and graphite on the 11:18:28
5 face of the trigger. 11:18:30

6 Q. And you also have a mixture of Loctite and 11:18:33
7 graphite, as you would say, on the face of the blocker 11:18:35
8 screw, right? 11:18:35

9 A. You have a mixture of Loctite and graphite on the 11:18:38
10 face of the blocker screw. 11:18:38

11 Q. And so number 2 is a properly manufactured XMP 11:18:42
12 fire control and number 4 is an improperly or defectively 11:18:44
13 manufactured fire control, right? 11:18:47

14 A. A defect implies that it will cause the product to 11:18:50
15 behave in a manner other than the way it was designed and 11:18:54
16 that is not true with what you're showing there. 11:18:57

17 Q. It's evidence of that, isn't it? 11:18:57

18 A. No. It is not evidence of that. You cannot say 11:19:02
19 that that fire control would ever -- and I have a feeling if 11:19:05
20 we take that fire control picture and go back to testing -- 11:19:08
21 that that fire -- that picture you're showing was tested and 11:19:09
22 passed. 11:19:09

23 Q. Why do you get that feeling? 11:19:20

24 A. Because it's dry, unless you've got the liquid. 11:19:22
25 Now, unless you've got liquid in there that we're not 11:19:23

1 looking at, you can't -- the only way we were ever able to 11:19:24
2 get them to -- to fail was with the presence of liquid. 11:19:30

3 MR. WILLIS: Can I see the last exhibit, 11:19:40
4 please. Okay. I don't know if you represented that but 11:19:40
5 that's not from the Ilion -- or the Elizabethtown testing. 11:20:01

6 MR. CHAFFIN: I didn't say it was. I said it 11:20:01
7 was picture he took. 11:20:01

8 Q. (BY MR. CHAFFIN) All right. Go on -- go on with 11:20:35
9 the story then. We were now -- now you -- you've ordered 71 11:20:36
10 failed fire controls from Ilion that have been shipped to 11:20:39
11 you. And you take them out, put them under a microscope and 11:20:44
12 you see three of them -- under the microscope, can you see 11:20:49
13 that it's still in liquid form? 11:20:52

14 A. The testing is well documented. There's photos of 11:20:54
15 it being in the liquid form. And there's photos of the 11:20:56
16 other ten that did not fail at 10 degrees Fahrenheit, 11:21:01
17 showing that there is no presence of liquid there, only the 11:21:05
18 presence of graphite and Loctite mix. 11:21:08

19 So we take -- so what's documented in the testing 11:21:13
20 is, is I take those three rifles -- or those three rifles 11:21:14
21 that are now equipped with fire controls that have liquid 11:21:20
22 Loctite between the blocker and trigger and subject them to 11:21:23
23 the 10-degree Fahrenheit testing. And we had all of them 11:21:25
24 fail. They all went off when the safety was flipped from 11:21:30
25 the safe position to the fire position after being soaked at 11:21:30

1 various, I think, 10-degree temperatures and there was some 11:21:30
2 others. We did a full regiment, they all -- I believe they 11:21:30
3 all failed at 10. 11:21:33

4 Then we had some fail at different temperatures 11:21:35
5 and other ones not, but they all failed at 10 degrees, 11:21:35
6 matching the Otto rifle. 11:21:35

7 Q. They all failed, that was a total of four rifles 11:22:02
8 you have now that failed? 11:22:12

9 A. That would be four, correct. 11:22:13

10 Q. Oaky. And -- and in the -- did -- did other 11:22:15
11 rifles, other than those, fail as a part of your test at any 11:22:18
12 time? 11:22:21

13 A. Those four rifles, I believe, were the only ones 11:22:22
14 that ever failed. 11:22:26

15 Q. All right. So did you have some rifles where you 11:22:36
16 could detect the -- the liquid Loctite that did not fail 11:22:50
17 when you tested them? 11:22:50

18 A. Every rifle that was tested that did not have 11:22:57
19 liquid Loctite passed. 11:23:00

20 Q. Well, did -- did every rifle with liquid Loctite 11:23:03
21 visible fail? 11:23:03

22 A. Yes. 11:23:08

23 Q. You're sure of that? 11:23:08

24 A. Every -- ev -- every one of them failed the 11:23:09
25 10-degree test. 11:23:10

1 Q. Well, I've -- I've got a record here of four 11:23:18
2 rifles that failed, the serial numbers of four rifles that 11:23:19
3 failed. 11:23:20

4 A. Those are the four with the liquid. 11:23:22

5 Q. And the photograph that -- that we're looking at 11:23:26
6 then right now -- let's take a look at this one on the 11:23:30
7 screen, see if you can see it. Does -- does that look like 11:23:30
8 liquid Loctite on that rifle there? 11:23:30

9 A. I'd have to see the -- the front of it, turned at 11:23:55
10 an angle. No, I don't need -- I mean, I'd have to see the 11:23:58
11 angle so I can see the front of the trigger. 11:23:59

12 Q. I'm sorry? 11:23:59

13 A. I have to see the angle so I can see the front of 11:24:04
14 the trigger to tell if it's liquid. What you've got there, 11:24:04
15 I don't know what temperature you're operating at or 11:24:04
16 anything. 11:24:04

17 Q. I don't know what temperature it is either, I'm 11:24:13
18 just asking you, in this photograph, does it appear that 11:24:13
19 there's liquid Loctite stuck between the trigger and the 11:24:16
20 blocker screw? I mean, can you see this stuff right here, 11:24:21
21 what is that? I mean, there's clearly something stuck 11:24:25
22 between the trigger and the block -- 11:24:27

23 A. There's a web there. I would -- I -- again, we 11:24:28
24 took pictures that showed at room temperature there was 11:24:31
25 liquid puddling on the face of the trigger and that's the 11:24:36

1 pictures that I need to be able to tell you, to identify if 11:24:40
2 those are the same as the ones that we looked at and were 11:24:43
3 part of the criteria that we were using. 11:24:45

4 Q. I'm just asking you, in this picture, does it not 11:24:49
5 appear to you as if there's liquid Loctite -- 11:24:50

6 A. I'm not going to speculate when I know which 11:24:51
7 pictures show it specifically. 11:24:51

8 Q. Well, can you tell from looking at the picture, 11:24:58
9 what's shown in that picture -- 11:24:59

10 A. I told you that picture is useless to me until I 11:24:59
11 see the set that it's in. 11:24:59

12 Q. The set that it's in? 11:25:07

13 A. There were -- there were full photo -- 11:25:09

14 Q. Here -- here's -- here's the set that it's in then 11:25:11
15 as I have it, the set. 11:25:14

16 MR. WILLS: Did you mark the other one? 11:25:18

17 MR. CHAFFIN: I will. I'm going to mark the 11:25:18
18 other one in just a minute here. I'm going to have to mark 11:25:18
19 it on the block but, I think, the back. I think we're up to 11:25:18
20 Watkins -- 11:25:18

21 MR. WILLS: Five, I think. 11:25:18

22 MR. CHAFFIN: Okay. Let me mark this one on 11:25:18
23 the back for now, Watkins 6. 11:25:18

24 * * * * * 11:25:18

25 (Whereupon, a document was marked Exhibit No. 6.) 11:25:18

1 * * * * * 11:25:18

2 MR. CHAFFIN: And the set -- can you give me 11:25:17

3 that sticker, it's -- that's probably going to be better, 11:25:17

4 right. 11:25:17

5 MR. WILLS: And can I take a look at those two 11:25:17

6 exhibits before you show them to the witness? 11:25:17

7 MR. CHAFFIN: Okay. I'll mark the other one 11:25:20

8 here as -- 11:25:20

9 MR. WILLS: You have copies for me? 11:25:20

10 MR. CHAFFIN: You know, I do, but it's going 11:25:20

11 to take me a minute to fish them out. 11:25:20

12 MR. WILLS: Well, show me those, I'm not going 11:25:20

13 to look at them long. 11:25:20

14 MR. CHAFFIN: Okay. Okay. So this -- this is 11:25:20

15 going to be -- and there -- these were the blowups from the 11:25:24

16 same set but just for now, that's Watkins 6. 11:25:24

17 MR. WILLS: Okay. And Watkins 7. 11:25:26

18 * * * * * 11:25:26

19 (Whereupon, a document was marked Exhibit No. 7.) 11:25:26

20 * * * * * 11:25:26

21 MR. WILLS: Okay. Is that it for now? 11:25:59

22 Q. (BY MR. CHAFFIN) So -- so -- so, what I'm asking 11:26:03

23 you, is can you tell me whether or not Watkins' 7, in the 11:26:03

24 context of all the photographs that came with that fire 11:26:03

25 control that was produced by Remington if, in fact, that's 11:26:03

1 what we're seeing there is puddling between liquid as in 11:26:03
2 puddling or I'm -- I'm going to call it sticking between the 11:26:03
3 trigger and the fire control? 11:26:03

4 MR. WILLS: Object to the form of the 11:26:07
5 question. 11:26:07

6 A. This is the picture of interest but you've got it 11:25:26
7 so small I can't tell anything. 11:25:26

8 Q. (BY MR. CHAFFIN) What -- what's the picture of 11:26:24
9 interest to you, there? 11:26:24

10 A. That's at -- that's at angle that allows me to see 11:26:25
11 the face. 11:26:25

12 Q. There it is. 11:26:25

13 A. No, it's not. 11:26:25

14 Q. That's the same picture, right? Is this the one 11:26:25
15 you said is a picture of interest? 11:26:25

16 A. That's not it. 11:26:36

17 MR. WILLS: He says it's a small one of that 11:27:41
18 set, Bob. 11:27:41

19 Q. (BY MR. CHAFFIN) Well, what is it you need to see 11:26:37
20 it before you can tell us whether or not -- because, I mean, 11:26:37
21 to me pretty clearly there's something stuck between the 11:27:41
22 trigger and the fire control there, right? Is it -- let me 11:27:41
23 show you that on -- so the jury sees what we're talking 11:27:41
24 about here. 11:27:41

25 Right there, you see that material between the 11:27:42

1 trigger and the fire control? You see it, Mr. Watkins? 11:28:03

2 A. I see what you're pointing at. 11:28:10

3 Q. What is that? 11:28:10

4 A. I don't know. I need to see other pictures. Why 11:28:07

5 won't show me the other pictures? 11:28:14

6 Q. I did show it to you. 11:28:16

7 A. No, you didn't. You showed me a small little 11:28:16

8 thumbnail. 11:28:16

9 Q. Well, from this picture you can't determine 11:28:16

10 whether that substance there is Loctite between the trigger 11:28:25

11 and the trigger connector, is that -- 11:28:27

12 A. We're talking about liquid Loctite on the face of 11:28:28

13 the trigger and on the -- on the blocker. And we took very 11:28:28

14 specific pictures that show it and identify it. If you let 11:28:28

15 me see the full picture set, that we've already supplied to 11:28:28

16 you, I'll be able to tell you. 11:28:28

17 Q. But what is it about this picture that's 11:28:46

18 confusing? 11:28:47

19 A. It's not the right picture to be able to tell. 11:28:48

20 Q. I mean, what -- you see this big piece of glunk 11:28:53

21 right here between them? 11:28:54

22 A. I stand by my previous testimony. 11:28:56

23 Q. What do you think that is? 11:29:00

24 A. I stand by my previous testimony. 11:29:00

25 Q. What do you think this big piece of glunk is right 11:29:00

1 here? You just don't know? Can't tell? 11:29:00

2 A. I stand by my previous testimony. 11:29:00

3 Q. All right. All right. So -- so you -- you 11:29:09

4 identified four rifles now that will fire without the 11:29:38

5 trigger being pulled, right? 11:29:48

6 A. After a 10-degree soak, we had four rifles with 11:29:51

7 the presence of liquid Loctite between the blocker and 11:29:52

8 trigger all failing. 11:29:52

9 So now we've got two populations, one without 11:29:53

10 liquid Loctite that doesn't fail, one with liquid Loctite 11:30:06

11 that does fail. Now we have an avenue to investigate and 11:30:09

12 to -- a potential root cause. 11:30:09

13 Q. And according to -- I'll -- I'll mark this one, 11:30:23

14 too, the jury can probably see this one. This is part of 11:30:24

15 Exhibit Number 1198. It was produced by -- 11:30:24

16 MR. WILLS: Exhibit -- you mean Exhibit 1198 11:30:29

17 or Bates labeled? 11:30:29

18 MR. CHAFFIN: Bates labeled number 1198, which 11:30:29

19 I'll mark it as -- what are we up to? 11:30:29

20 MR. WILLS: Bob, can you hold on? 11:30:43

21 MR. COONEY: Eight. 11:30:44

22 MR. WILLS: I'm going to go out and tell these 11:30:44

23 folks to lower their decibel level a little bit. You 11:30:44

24 picking it up? 11:30:44

25 MR. CHAFFIN: No, they're not -- they're not 11:30:44

1	bothering me. What are we up to --	11:30:44
2	THE REPORTER: Eight.	11:30:44
3	MR. CHAFFIN: -- exhibit --	11:30:44
4	MR. COONEY: Eight.	11:30:44
5	MR. CHAFFIN: Okay. Sorry.	11:30:25
6	MR. WILLS: Yeah. Yeah. Hold on a second.	11:31:11
7	MR. CHAFFIN: Okay. I got four-year-old twin	11:31:11
8	boys, this is nothing.	11:31:11
9	THE VIDEOGRAPHER: You're a brave man.	11:31:11
10	MR. COONEY: It sound -- it sound like the	11:31:11
11	kids that age that were --	11:31:11
12	MR. CHAFFIN: Or stupid.	11:31:11
13	MR. COONEY: -- running up and down the	11:31:29
14	hallway outside my room at --	11:31:29
15	THE VIDEOGRAPHER: A fine line between the	11:31:29
16	two.	11:31:29
17	MR. CHAFFIN: I also have a 30-year old	11:31:11
18	daughter so you can figure me out from that, okay. All	11:31:11
19	right. Now, I -- I'm going to -- zoom in on that a little	11:31:11
20	bit.	11:31:11
21	Q. (BY MR. CHAFFIN) Mr. Watkins, this is a document	11:31:34
22	Bate stamped number 1198 produced to me by your lawyers.	11:31:34
23	By the way, when you're doing all this work,	11:31:45
24	you're an employee of Remington, right?	11:31:46
25	A. Correct.	11:31:48

1 Q. What was the name of your employer then if you 11:31:49
2 remember? 11:31:49
3 A. The name of my employer? 11:31:52
4 Q. Yeah. Remington what, Outdoor, Arm Service? 11:31:53
5 A. Oh. 11:31:53
6 Q. Do you know? 11:31:53
7 A. I don't know if they had changed to Remington 11:31:55
8 Outdoor Co -- no, they hadn't -- shoot. I don't remember if 11:31:55
9 they had changed at that point or not. 11:31:55
10 Q. Can -- can you tell us what the name on your 11:32:06
11 paycheck was in -- in July -- 11:32:08
12 A. Rem -- it said -- 11:32:09
13 Q. -- of 2014? 11:32:09
14 A. -- Remington. 11:32:10
15 Q. I'm sorry? 11:32:10
16 A. Said Remington. 11:32:10
17 Q. Remington what, Outdoor, Arms, you know? 11:32:12
18 A. I don't remember. 11:32:16
19 Q. Okay. This was presented as a -- well, do -- do 11:32:16
20 you recognize this document? 11:32:23
21 A. Yeah. 11:32:26
22 Q. What is it? 11:32:26
23 A. That's the testing excel spreadsheet summary of 11:32:27
24 testing. 11:32:30
25 Q. There's only 14 guns on there. 11:32:31

1 A. Okay. 11:32:35

2 Q. Is that all you tested? 11:32:36

3 A. I believe so. 11:32:40

4 Q. Because I saw a whole list that had maybe 60 or 70 11:32:41

5 guns on it there. 11:32:45

6 A. That would be the fire controls. 11:32:45

7 Q. Okay. But you only actually tested 14? 11:32:47

8 A. Right. 11:32:50

9 Q. Okay. So what we're looking at here is -- is a 11:32:51

10 whole summary of your testing that you did, right? 11:32:52

11 A. You're looking at a summary of the cold testing. 11:32:56

12 Q. Okay. And -- and you tested apparently -- number 11:32:59

13 13 is the gun from Mr. Otto -- so you apparently tested four 11:33:03

14 guns from Elizabethtown, right? 11:33:09

15 A. I tested four guns out of the library stock. 11:33:11

16 Q. And those are from Elizabethtown? 11:33:14

17 A. Correct. 11:33:17

18 Q. And the other nine guns, other than the Otto gun, 11:33:17

19 those were guns that were -- had been returned to Remington 11:33:19

20 saying that they would fire without the trigger being 11:33:21

21 pulled, right? 11:33:27

22 A. I'd have to go back and check. Because I -- I'd 11:33:31

23 have to go back and check. I don't know for sure on fi -- 11:33:38

24 on fire control five, six, seven, eight, and nine, and ten. 11:33:46

25 I'm sorry. I'd have to check on those because those could 11:33:51

1 have been other fire controls that I may have gotten from 11:33:58
2 one of the other engineering camps in the building. I have 11:34:02
3 to check. I don't remember. 11:34:06

4 Q. Well, did you get some fire controls from another 11:34:08
5 engineering camp? 11:34:08

6 A. We -- I did get -- I was looking at every X-Mark 11:34:10
7 Pro that we had in the building. I was looking at every 11:34:12
8 single one of them. 11:34:16

9 And so whether or not that's one of those, I don't 11:34:17
10 know. I -- I mean, it -- it's pretty easy to check the 11:34:21
11 serial number and find out where it came from. 11:34:23

12 Q. But we know the four that -- 11:34:27

13 A. The top four. 11:34:27

14 Q. -- we read that failed, three -- and one of those 11:34:28
15 is the one we watched from the video, Mr. Otto's gun, right? 11:34:29

16 A. That's correct. 11:34:34

17 Q. And the other three were guns that had been 11:34:34
18 returned to Remington that said they would fire without the 11:34:38
19 trigger being pulled, right? 11:34:39

20 A. They reported a F -- fire on safety release, no 11:34:42
21 fault found, so... 11:34:43

22 Q. Well, actually, some of them reported that they 11:34:48
23 fired when they closed the bolt, too, didn't they? 11:34:48

24 A. I don't know about those -- those three. 11:34:51

25 Q. You don't know? 11:34:54

1 A. It was -- if I remember -- no, I don't. I 11:34:55

```
2 | don't --
```

3 | Q. You don't know? 11:34:56

4 | A. -- have specific memory of them. 11:34:56

5 Q. So these guns may have been guns that reported 11:34:56

6 | to -- that they fired when they closed the bolt as far as 11:34:56

7 | you know today under oath, right? 11:34:56

8 A. I don't believe so. I don't believe that's the 11:35:05

9 | case. We can verify that very easily. 11:35:08

10 Q. In fact, do you know if they -- any of them had 11:35:11

```
11 | reported they fired when the bolt was opened? 11:35:11
```

12 | A. I don't believe so but we can check that very 11:35:17

13 | specifically. 11:35:17

14 Q. But, when you asked for the guns to be sent to you 11:35:20

15 | that had been reported that they fired without the trigger 11:35:22

16 | being pulled, you didn't limit it to fire on safety release, 11:35:25

17	did you?	11:35:27
----	----------	----------

18 | A. I think I did. I thought I did but it's easy 11:35:30

```
19 | enough to check.                                     11:35:36
```

20 Q. Well, do you remember today if you did or not? 11:35:37

21 | A. I don't be -- I -- I believe that they were 11:35:40

22 | limited to fire on safety release but I couldn't tell you. 11:35:40

23 Q. You couldn't say for sure? 11:35:44

24 | A. I can't say a hundred percent sure but I -- 11:35:44

25 | O. Oh. 11:35:44

1 A. -- I believe -- I believe they were but -- 11:35:44

2 Q. Maybe they were, maybe they weren't? 11:35:44

3 A. I believe they were limited to fire on safety 11:35:44

4 release -- 11:35:44

5 Q. But you can't -- 11:35:44

6 A. -- no fault found. 11:35:44

7 Q. -- say that under oath, can you? 11:35:44

8 A. I can say under oath that I believe that they were 11:35:44

9 fire on safety release -- 11:35:44

10 Q. Okay. 11:35:44

11 A. -- no fault found, yes, I can. 11:35:44

12 Q. All right. All right. So -- so anyway you -- you 11:35:44

13 got -- it appears here that of the guns you tested, four out 11:35:44

14 of 14, you got a failure rate of maybe 35 percent, 30 11:35:44

15 percent, something like that? 11:35:44

16 A. You're looking at the whole, you're not separating 11:35:52

17 the populations, that's a misrepresentation of data. 11:35:52

18 One hundred percent of the liquid Loctites failed 11:35:52

19 at 10 degrees Fahrenheit. One hundred percent no liquid 11:36:18

20 Loctite passed at 10 degrees Fahrenheit. Two distinct 11:36:23

21 populations. Two distinct outcomes. 11:36:24

22 Q. But this -- these appear to be all the guns that 11:36:29

23 you tested at the various temperatures, right? 11:36:44

24 A. I believe that's the summary of the cold testing 11:36:49

25 that was done in Elizabethtown. 11:36:52

1	Q. Extent of your testing. All right. How many	11:36:52
2	times did you cycle each gun at each test period?	11:36:52
3	A. Have to go back to the videos and see, it was	11:36:52
4	multiple times.	11:36:52
5	Q. Like three times, right?	11:36:52
6	A. As I just said, you'll have to go back to the	11:36:52
7	video and check.	11:36:52
8	Q. Well, I -- I watched the video and my recollection	11:36:53
9	is that you cycled each gun three times?	11:37:05
10	A. Your recollection has absolutely no bearing on my	11:37:05
11	testimony.	11:37:05
12	Q. Well, what's your recollection?	11:37:10
13	A. My recollection is is that need to look at the	11:37:11
14	video and find out and stop speculating.	11:37:12
15	Q. Well, but I'm just asking, do you remember how	11:37:17
16	many times you cycled each gun? Do you --	11:37:18
17	A. Multiple times.	11:37:21
18	Q. Do you remember them as multiple one, two, three,	11:37:22
19	four or five, do you remember?	11:37:22
20	A. I've asked -- I've answered your question.	11:37:25
21	Q. So you don't remember then, right?	11:37:26
22	A. Check the video. We'll get the specifics.	11:37:27
23	Q. Well, I'm just asking, do you remember today how	11:37:28
24	many times you cycled each gun?	11:37:28
25	A. I remember that it was multiple times, the	11:37:28

1 specific number of each test, no. 11:37:28

2 Q. Okay. But we have here every gun that you tested 11:37:28
3 at every temperature, right? 11:37:28

4 A. Believe so. 11:37:28

5 Q. So you tested no guns at 40, 50 or 60 degrees, 11:37:38
6 right? 11:37:39

7 A. That would indi -- that sheet would indicate that. 11:37:47

8 Q. And, if we say you cycled each gun say three 11:37:48
9 times, one, two, three, four, five, ten, 13, 14, 15, 16 -- 11:38:00
10 may -- maybe -- maybe you did a hundred, a hundred and fifty 11:38:01
11 cycles in total to test the guns for the failures that 11:38:01
12 you're looking for, right? 11:38:01

13 A. You're excluding repeat testing. 11:38:25

14 Q. Okay. And after you did all this testing here and 11:38:15
15 you found that you had four guns what would fail, what's the 11:38:15
16 next thing that you did? 11:38:28

17 A. After we determined that rifles with liquid 11:38:30
18 Loctite between the blocker and the trigger would fail, and 11:38:34
19 guns without liquid Loctite between the trigger and blocker 11:38:36
20 would not fail at 10 degrees, then we started the process of 11:38:36
21 informing -- well, we started the process of informing 11:38:58
22 everybody at the 10-degree but then we went ahead and 11:39:00
23 continued the testing at the other temperatures. 11:39:05

24 Q. Wait. Wait. When you started informing 11:39:07
25 everybody, what does that mean? 11:39:07

1 A. Management. 11:39:09

2 Q. Who -- who did you start informing? 11:39:10

3 A. We talked to chief technical officer. 11:39:15

4 Q. I'm sorry? 11:39:27

5 A. Chief technical officer. 11:39:27

6 Q. Who's that? 11:39:27

7 A. It would be Tony Moore. 11:39:27

8 Q. Moore? 11:39:27

9 A. Moore. 11:39:27

10 Q. M-O-O-R-E? 11:39:24

11 A. I believe so. 11:39:32

12 Q. When -- did you send anything in writing to him? 11:39:32

13 A. No. Also, the people that would have been 11:39:36

14 informed, general counsel, Jon Sprole. 11:39:43

15 Q. Who? 11:39:46

16 A. General counsel, Jon Sprole. 11:39:47

17 Q. What's his name? 11:39:47

18 MR. WILLIS: Sprole, S-P-R-O-L-E, Jon, J-O-N. 11:39:47

19 Q. (BY MR. CHAFFIN) Who informed Jon Sprole, was that 11:39:56

20 you? 11:39:59

21 A. Me. 11:40:00

22 Q. What'd you do, call him up on the phone? 11:40:00

23 A. I could -- ev -- all this was done by phone. 11:40:01

24 Q. Individual phone calls? 11:40:04

25 A. There were meetings that took place, too, over -- 11:40:07

1 over the process of this but individual phone calls, yes, 11:40:11
2 or -- 11:40:17
3 Q. Who -- 11:40:18
4 A. -- I walked down to their office, one or the 11:40:18
5 other. 11:40:18
6 Q. Was -- was Sprole, was he in the same facility you 11:40:21
7 were in? 11:40:23
8 A. No. No. No. It would have been phone call. 11:40:24
9 Q. I'm sorry? 11:40:26
10 A. He would have been a phone call. 11:40:26
11 Q. How about Tony Moore, is he -- 11:40:26
12 A. Yeah, he was there. 11:40:27
13 Q. Who else did you talk to? 11:40:29
14 A. Would have been Kevin Minard, chief operating 11:40:35
15 officer. 11:40:36
16 Q. Kevin who? 11:40:38
17 A. Minard, M-I-N-A-R-D. 11:40:39
18 Q. Who else? 11:40:46
19 A. Jim Ronkainen. Well, we -- 11:40:49
20 Q. What was his title? What was Jim's title? 11:40:55
21 A. Director, DOD. 11:40:49
22 Q. Why -- why'd you contact him? 11:41:02
23 A. Engi -- engineering. He designed the X-Mark Pro. 11:41:03
24 Q. Chief designer of the X-Mark Pro? 11:41:05
25 A. He's -- I don't know if he was called chief or 11:41:08

1 not, but he was designer of the X-Mark Pro. 11:41:08

2 Q. Was he the head designer? 11:41:08

3 A. He was the designer. 11:41:10

4 Q. And, when you called him up, what'd you tell him? 11:41:18

5 A. I walked down to his office. 11:41:18

6 Q. What'd you tell him? 11:41:18

7 A. Told him what we were seeing. 11:41:18

8 Q. And what did he say? 11:41:18

9 A. He wanted to be a part of the testing and be 11:41:18
10 informed of what was going on. So -- 11:41:18

11 Q. Do you remember when these conversations took 11:41:33
12 place, say, with Mr. Sprole? 11:41:35

13 A. Mr. Sprole I believe was -- Ronkainen and Sprole 11:41:39
14 were -- and Tony Moore were the very first day when we 11:41:52
15 failed, so those would -- 11:42:04

16 Q. Which was what day? 11:42:04

17 A. -- have been -- we have to go back and look at the 11:42:05
18 documents, but I think the videos are March 11th. 11:42:05

19 Q. So, obviously, you thought on March the 11th you 11:42:18
20 had made a very significant discovery that you would notify 11:42:20
21 the general counsel, the chief operating order, and the 11:42:22
22 chief technical officer that you had discovered a failure in 11:42:25
23 a major product, right? 11:42:25

24 A. We had, for the very time, ever, been able to 11:42:25
25 reproduce a failure on safety release that wasn't due to 11:42:25

1 customer alteration or abuse of the product. 11:42:25

2 Q. You had a very serious problem on your hands and 11:42:26
3 you notified the people that you needed to, right? 11:42:44

4 A. I noted that we had, for the very first time, been 11:42:44
5 able to reproduce a FSR without it being the result of 11:42:52
6 tampering or alteration with the customer -- by the 11:42:59
7 customer, and that we needed to keep on investigating. 11:43:04

8 Q. Did you talk to anybody other than Moore, Sprole, 11:43:08
9 Ronkainen, and Minard? 11:43:13

10 A. Yeah. There was a whole host of people at 11:43:18
11 different times, it just depends on the time frame. At the 11:43:21
12 beginning, though, would have had a -- 11:43:24

13 Q. You ever talk -- 11:43:28

14 A. -- day -- after day -- after -- after the 11th, I 11:43:29
15 believe, you've got Ronkainen, Moore, Sprole and Ryan 11:43:32
16 Henserling, Scott Franz. 11:43:35

17 Q. Scott who? 11:43:53

18 A. Franz. 11:43:54

19 Q. Who is he? 11:43:54

20 A. He was the vice president of -- I don't know what 11:43:54
21 his title -- he's over all the labs. 11:43:57

22 Q. Of the labs? 11:44:02

23 A. Uh-huh. 11:44:04

24 Q. And who did you directly report to? 11:44:04

25 A. At that point in time I believe I was a direct 11:44:07

1 report to Mr. Sprole. 11:44:09

2 Q. Your direct report was to the chief -- to the 11:44:13

3 general counsel? 11:44:15

4 A. I'm an engineer and -- I was an engineer in the 11:44:16

5 legal department at that point in time. 11:44:19

6 Q. You were in the legal department? I thought you 11:44:24

7 were product -- 11:44:25

8 A. Technology Integration. Director of Product 11:44:25

9 Technology Integration. I was responsible for all the 11:44:25

10 intellectual property so I managed the patents. 11:44:25

11 Q. Okay. 11:44:29

12 A. I was responsible at one point in time for the 11:44:29

13 product service call center and -- 11:44:29

14 Q. When was that? 11:44:30

15 A. That -- I'm trying to remember. I think I was put 11:44:30

16 over that -- I think it was late 2013 I think, if I remember 11:44:54

17 correctly, late 2013. 11:45:07

18 Q. Why were you put over -- were you -- were you 11:45:12

19 assigned to the legal department at that time, too, was that 11:45:13

20 your -- 11:45:14

21 A. I was -- I was -- I was part of the legal 11:45:14

22 department from the first day I walked back in the door in 11:45:14

23 2009. 11:45:14

24 Q. So, from that point forward your -- your chief 11:45:22

25 report was to the general counsel? 11:45:25

1 A. Correct. 11:45:27

2 Q. I can't remember the name but I read it in one of 11:45:29

3 your depositions where you were reporting to somebody else 11:45:37

4 and I -- at -- at any point in time did -- was your direct 11:45:39

5 report to somebody other than general counsel? 11:45:44

6 A. At the very end of my -- at my -- of my stint 11:45:48

7 there, I reported to Tony Moore and to John Sprole. 11:45:51

8 Q. Anyone else you ever reported to? 11:46:00

9 MR. WILLS: You mean in this second time he 11:46:03

10 was at Remington -- 11:46:03

11 Q. (BY MR. CHAFFIN) Yes. 11:46:03

12 MR. WILLS: -- or when he was there before? 11:46:03

13 Q. (BY MR. CHAFFIN) Yes. 11:46:06

14 A. No, those -- those are the only two people that -- 11:46:07

15 Q. The first -- the first time you ever worked with 11:46:07

16 Remington did -- did you do any product liability work then? 11:46:07

17 A. No. 11:46:13

18 Q. Okay. So now -- now we're at March the 11th, you 11:46:15

19 have found this big problem and you have reported it to the 11:46:16

20 general counsel and -- and other various officers of the 11:46:20

21 company, what happens next? 11:46:25

22 A. March 11th I had found that we can reproduce a 11:46:28

23 failure that's shown to us by a customer. The root cause is 11:46:32

24 unknown, that is what is recorded. 11:46:33

25 Q. What -- what do you mean the root cause is un -- 11:46:33

1 A. Don't know what's causing it. 11:46:33

2 Q. I thought you was -- had identified that this 11:46:33
3 liquid Loctite was causing it? 11:46:33

4 A. That's not the 11th. You're getting your dates 11:46:39
5 out of order and you putting things out of -- out of context 11:46:39
6 and out of order. 11:46:39

7 At the 11th -- on the 11th, the only thing that we 11:46:33
8 had done was to reproduce the failure in the Otto gun and 11:46:33
9 only the Otto gun after a ten-degree soak. 11:46:33

10 So at that point in time, we had reproduced what 11:47:03
11 Mr. Otto had shown us and so at that point in time, I 11:47:07
12 informed the people that we had listed. 11:47:09

13 Q. And then what happened next? 11:47:11

14 A. Well, I've been through that. We got guns out of 11:47:14
15 the library. 11:47:18

16 Q. This is after March the 11th now? That's what I'm 11:47:20
17 trying to get because I thought we looked at a piece of 11:47:22
18 paper here that these guns were all tested on March the 11:47:22
19 11th, no? 11:47:22

20 A. No. Absolutely not. That's a -- 11:47:28

21 Q. Okay. 11:47:30

22 A. -- representation. 11:47:30

23 Q. So as of March the 11th is the only gun you tested 11:47:32
24 the Otto gun? 11:47:34

25 A. March 11th at eight -- 8:30 or something, it's on 11:47:36

1 the video, was the first time the Otto gun came out of the 11:47:36
2 freezer and was tested. 11:47:42

3 Q. And, as soon as you got the results of that test, 11:47:44
4 this alarm went off in your head and you notified all your 11:47:46
5 superiors, right? 11:47:47

6 A. Once I had reproduced the Otto failure, I 11:47:53
7 contacted the people that we just went through. 11:47:55

8 Q. All right. And then what happened after that? 11:48:00
9 Because now we're at March the 11th, 2014, so take us 11:48:02
10 forward from there. 11:48:07

11 A. March 11th we don't have root cause, we don't know 11:48:07
12 what's causing it, we've just got a rifle that's going off 11:48:08
13 at 10 degrees when the safety is moved from safe to fire 11:48:08
14 after a 10-degree soak. 11:48:11

15 That's when I get the other rifles, test all of 11:48:12
16 them with the Otto rifle at the 10-degree soak, none of them 11:48:12
17 fail. The only one that's failing is the Otto rifle. 11:48:12

18 We take everything down to negative 20 degrees, at 11:48:12
19 negative 20 degrees, nothing fails, everything passes, 11:48:12
20 Otto -- Otto included. 11:48:12

21 Q. Why is that you think? 11:48:43

22 A. Well, at that point in time we didn't know, that's 11:48:45
23 the reason we're doing the investigation and the testing, is 11:48:47
24 to find out why. All right. 11:48:48

25 Then -- so I've got a population of rifles that 11:48:49

1 are a hundred percent passing at 10 degrees Fahrenheit to 11:48:59
2 where the Otto rifle repeatedly fails at 10 degrees 11:49:02
3 Fahrenheit. 11:49:02

4 So that's when we do a full court press to try and 11:49:03
5 find out what's the difference between the Otto gun and the 11:49:03
6 other guns. 11:49:17

7 That testing and diagnos -- or that -- that 11:49:19
8 process is very well documented, include -- including with 11:49:24
9 the dates. 11:49:28

10 And I believe it was April 1st, I think, April 1st 11:49:30
11 was the date when we had the right -- the -- the four fire 11:49:40
12 controls, with liquid Loctite between the blocker and the 11:49:49
13 trigger, all fail at negative 10 degrees. So now -- 11:49:51

14 Q. That's the testing date you think? 11:49:58

15 A. April 1st -- April 1st, I believe, is the date, 11:50:02
16 yes. 11:50:05

17 Q. So if -- 11:50:06

18 A. I believe -- I -- it's -- it's -- it -- it -- my 11:50:06
19 recollection's irrelevant. It's well documented what that 11:50:09
20 date is. 11:50:12

21 Q. Right. I saw you took the guns in and out of the 11:50:12
22 freezer on the picture and -- and you get them to fail, 11:50:12
23 right? 11:50:12

24 A. All the testing that I'm talking about should have 11:50:17
25 been videoed. We did have technical difficulty on one of 11:50:19

1 them. It didn't -- the -- the video stopped for some 11:50:19
2 reason, I don't know why but... 11:50:19

3 Q. Yeah. You did a very good job on those videos, 11:50:20
4 I'm complimenting you on that, okay. So your videos are 11:50:20
5 excellent. 11:50:20

6 But you -- you think that took place around April 11:50:20
7 the 1st? 11:50:20

8 A. There -- the videos are dated and -- and I say the 11:50:20
9 dates at the -- 11:50:20

10 Q. So -- 11:50:20

11 A. -- at the beginning of the videos and I believe 11:50:20
12 the first date that where we had rifles, other than the Otto 11:50:20
13 rifle, fail at 10 degrees Fahrenheit was, I believe, April 11:50:20
14 1st. But it's -- it's -- it's well documented what the date 11:50:20
15 is. 11:50:20

16 Q. What happened between March the 11th and April 11:50:58
17 1st? 11:51:00

18 A. The testing that I was talking about, to 11:51:01
19 where we're doing the different rifles, getting fire 11:51:04
20 controls, I believe, and the -- the whole thing. 11:51:11

21 Q. Okay. All right. So what -- so the testing, 11:51:20
22 meaning, the ones that you asked to -- to be -- excuse me -- 11:51:23
23 the ones that you took out of your own library there in 11:51:26
24 Elizabethtown? 11:51:27

25 A. Elizabethtown Gun Library, the R&D Gun Library, 11:51:28

1 and then we had fire controls that were returned by the -- 11:51:28
2 from the field that I had requested. And all of that was 11:51:28
3 what you're seeing here on what you're calling Exhibit 11:51:28
4 Watkins' 9. And so to the best of my recollection, these 11:51:28
5 four failures, all four of them representing a liquid 11:51:28
6 Loctite between the blocker and the trigger at 10 degrees 11:51:28
7 Fahrenheit happened on the 1st of April. 11:52:01

8 Q. When -- when did the failures at 20 and 30 degrees 11:52:05
9 happen? 11:52:10

10 A. We'll have to go back to the videos and see it. 11:52:12

11 Q. After -- after the first though? 11:52:13

12 A. We'll have to go back and see. There was multiple 11:52:14
13 tests done each day. The one, I'm pretty sure of, is the 10 11:52:14
14 degrees one was on the first but, again, it's well 11:52:14
15 documented. We can look at the data. 11:52:14

16 Q. Okay. What happened next? 11:52:23

17 A. Once -- once we had identified the -- the failure 11:52:33
18 mode as liquid Loctite, that's when the real serious 11:52:40
19 conversations started happening because one of these -- and 11:52:49
20 I don't remember which -- was from 2006 that failed. 11:52:54

21 So we knew we had failures, we -- we had product 11:53:01
22 as old as 2006 that was susceptible to the 10-degree failure 11:53:06
23 if liquid Loctite was present. And there -- the other ones 11:53:12
24 or other years as well. It got elevated and -- 11:53:21

25 Q. It got what? 11:53:27

1 A. It got elevated. 11:53:28

2 Q. What does that mean? 11:53:30

3 A. The -- the management was all talking, a lot of 11:53:30

4 reviewing of what I -- the testing and everything. It was a 11:53:33

5 very -- 11:53:33

6 Q. When you -- who -- who was talking? 11:53:34

7 A. The people that I've already listed. I don't 11:53:38

8 know -- 11:53:41

9 Q. What about George? What's -- what's the CEO's 11:53:42

10 name, George? 11:53:42

11 A. Kollitides. 11:53:42

12 Q. And when did he get involved? 11:53:47

13 A. I don't know the date. George and I did have a 11:53:47

14 conversation -- I don't know the date -- showed him the 11:53:47

15 results and -- 11:53:58

16 Q. You showed him the results? 11:53:59

17 A. I showed him the results and -- 11:53:59

18 Q. Where were you in North Carolina or Kentucky? 11:53:59

19 A. No. No. It was -- it was a -- it was a 11:53:59

20 Go-to-Meeting. I was -- 11:53:59

21 Q. I'm sorry. 11:54:06

22 A. Go-to-Meeting. I was in Elizabethtown, he was 11:54:06

23 wherever he was. 11:54:06

24 Q. Was -- was he able to visually see the results on 11:53:59

25 a screen? 11:54:07

1 MR. WILLS: Can we take a break? 11:54:07

2 MR. CHAFFIN: Yes. 11:54:07

3 THE VIDEOGRAPHER: We're off the record. 11:54:07

4 * * * * * 11:54:28

5 (Break taken.) 11:54:28

6 * * * * * 11:54:28

7 THE VIDEOGRAPHER: We're back on the record. 12:05:11

8 Q. (BY MR. CHAFFIN) All right. Mr. Watkins, we were 12:05:13

9 at the point in your narrative where you had called and had 12:05:17

10 a conversation with George Kollitides, is that correct? 12:05:19

11 A. Yeah. Let me clarify that. I had a convers -- as 12:05:19

12 I remember, Jon Sprole was -- who I was having the meeting 12:05:19

13 with and Jon conferenced Mr. Kollitides in. 12:05:19

14 I believe I was video conf -- or sharing screens 12:05:19

15 with Mr. Sprole so he could see my screen but I don't -- I 12:05:19

16 think George -- Mr. Kollitides was only by -- by a phone, 12:05:19

17 but that's all from memory. 12:05:34

18 Q. So that -- that would have taken place on March 12:05:43

19 the 11th, then? 12:05:43

20 A. No. No. 12:05:43

21 Q. Later date? 12:05:43

22 A. Oh, no, that -- shoot. The 11th was when the 12:05:35

23 first repeat of the Otto failure happened. April 1st -- 12:05:35

24 March 11th was the Otto, April 1st I believe was the 12:05:35

25 10-degree testing of multiple rifles with liquid Loctite 12:05:47

1 being the failure and I believe the phone call was that day 12:05:47

2 or next day, it was in that vicinity. 12:05:47

3 Q. That's the day the 2006 gun failed, right? 12:05:48

4 A. The 2006 gun that had liquid Loctite failed that 12:06:04

5 day if it -- if it -- if the -- the -- the -- if the data 12:06:04

6 supports my memory. 12:06:04

7 Q. So, if I -- if we go back on -- and pull out each 12:06:58

8 of these serial numbers here from the testing data that you 12:07:01

9 provided, we're going to see each one of those has liquid 12:07:06

10 Loctite in it, right? 12:07:06

11 A. Only the top four. 12:07:12

12 Q. Did any of the others that failed -- excuse me -- 12:07:13

13 that passed the test also have liquid Loctite? 12:07:14

14 A. Every rifle with liquid Loctite failed at 10. 12:07:20

15 Every rifle without liquid Loctite passed at negative 20, 12:07:25

16 passed at 10, passed at room. 12:07:30

17 Q. See, what I'm saying is, if -- if we look at each 12:07:34

18 of the rifles that -- that passed all the tests, none of 12:07:35

19 those are going to have liquid Loctite then, right? 12:07:35

20 A. If -- if you are talking about the 10-degree 12:07:41

21 testing, 10-degree testing, then all the ones with liquid 12:07:42

22 failed at -- at plus 10 degrees Fahrenheit. 12:07:42

23 Q. No. No. No. You missed my question. What 12:07:55

24 I'm -- I'm asking about rifles without liquid Loctite. 12:07:55

25 A. Oh, I thought you said with liquid Loctite. I'm 12:07:55

1	sorry.	12:08:00
2	Q. Without liquid Loctite. Now, are you saying that	12:08:01
3	every rifle without liquid Loctite passed every test?	12:08:01
4	A. Yes. Yes, I am.	12:08:01
5	Q. Did some rifles with liquid Loctite pass some	12:08:11
6	tests and fail some tests?	12:08:15
7	A. We had two with liquid pass at zero degrees	12:08:18
8	Fahrenheit, failed 10, 20, 30 degrees Fahrenheit.	12:08:23
9	MR. CHAFFIN: Let me just pull up on this	12:08:33
10	screen for a minute. Pull up that top set.	12:08:33
11	CAMERAMAN: You want this one or this one?	12:08:33
12	MR. CHAFFIN: Yeah. Let me see. Let me see	12:08:41
13	this one. Let -- let us run this video right here.	12:08:41
14	CAMERAMAN: This one?	12:09:42
15	MR. CHAFFIN: Yes.	12:09:42
16	Q. (BY MR. CHAFFIN) I'm going to run a video for	12:09:42
17	you --	12:09:42
18	A. Okay.	12:09:44
19	Q. -- one of the test you did on -- I can't tell that	12:09:44
20	until it comes on.	12:09:53
21	MR. COONEY: And you got -- do you have a	12:09:53
22	foundation for that in terms of date and --	12:09:53
23	MR. CHAFFIN: Yeah. It's a part of Exhibit	12:09:53
24	1199.	12:09:53
25	MR. COONEY: You mean page?	12:09:53

1 MR. CHAFFIN: That's -- that's the -- they -- 12:09:59
2 they all came under that Bates number. 12:09:59

3 MR. COONEY: Okay. 12:09:54

4 MR. CHAFFIN: And I believe this one was on -- 12:09:54
5 going to be -- it says 2014. But the serial number is 12:10:05
6 393306. Okay. Run that and let's see if it comes up. 12:10:05

7 Q. (BY MR. CHAFFIN) What -- what are we looking at 12:10:05
8 here, Mr. Watkins? 12:10:05

9 A. It looks to be a blocker trigger arrangement in 12:10:43
10 the video. 12:10:46

11 Q. And -- and, as you look at the -- the video there, 12:10:48
12 do you see any liquid Loctite? 12:10:51

13 A. I -- the -- the pictures will have to show -- I'm 12:11:01
14 not getting a good view of the video. 12:11:05

15 Q. Can't tell? 12:11:08

16 A. Not that. 12:11:10

17 MR. CHAFFIN: Let's -- let's go back to the 12:11:10
18 main video again. Let's -- let's run number -- last three 12:11:10
19 digits in the serial number, 179 there, let's run that one. 12:11:10
20 It's going to be right here. 12:11:26

21 Q. (BY MR. CHAFFIN) First off, as you look at this -- 12:11:41
22 the tip of the blocker screw there that we're looking at, 12:11:43
23 it's -- it's clearly corrupted, right? 12:11:46

24 A. You can't see the tip. You're just seeing the 12:11:46
25 out -- the sides of it. The tip is against the trigger. 12:11:46

1 Q. Okay. From the side view, the blocker screw 12:11:46
2 appears to be corrupted, right? 12:11:46

3 A. Blocker seems to have a mixture of graphite and 12:11:46
4 Loctite on it. 12:11:46

5 Q. And that would be a -- not the way it's supposed 12:11:46
6 to be manufactured, right? And that's coming apart, do you 12:11:46
7 see it? You see any liquid there, but can you tell? 12:11:46

8 A. I can't see in there. There's -- there should be 12:12:18
9 a photo at room temperature that -- 12:12:21

10 Q. Okay. 12:12:24

11 A. -- at a 30-degree angle that should be -- 12:12:24

12 Q. From that one -- 12:12:25

13 A. -- able to -- 12:12:25

14 Q. -- you can't tell us whether or not that's a good 12:12:26
15 one or a bad one that failed the test, right? 12:12:26

16 A. Well, it didn't move the trigger at all. What 12:12:30
17 temperature are you running there, I mean, everything's in 12:12:33
18 the titles. 12:12:35

19 Q. It says -- I don't see it in the title there, the 12:12:38
20 temperature. Maybe it didn't copy onto that disk. All 12:12:42
21 right. So -- 12:12:46

22 A. It didn't copy onto it? 12:12:53

23 Q. Uh -- 12:12:51

24 A. It didn't copy onto it? 12:12:51

25 Q. I've run the whole -- it doesn't appear to have a 12:12:55

1 temperature on that one. It says -- 12:12:55

2 CAMERAMAN: There's a slash 20 for the one. I 12:12:55

3 don't know what that stands for. 12:12:55

4 A. Which folder did it come out of? 12:12:57

5 Q. (BY MR. CHAFFIN) 1199. 12:12:58

6 A. Well, let's -- 12:12:58

7 Q. I might be able to go into the -- to the original 12:13:07

8 folder and get -- 12:13:07

9 A. Yeah. That'd help us. I don't have -- 12:13:10

10 Q. So -- so now -- now let's go back to your 12:13:11

11 narrative or your story then. Now, you've -- you've pulled 12:13:12

12 a -- you've got four -- four failures, right? 12:13:13

13 A. On -- 12:13:31

14 Q. Four back -- 12:13:31

15 A. -- April 1st, I believe, 4/1, I believe that was 12:13:32

16 the date where we had four failures at 10 degrees 12:13:38

17 Fahrenheit -- 12:13:44

18 Q. What happened next? 12:13:45

19 A. -- after a soak. That's when it -- things started 12:13:47

20 to get escalated, there were several meetings. 12:13:47

21 Q. Where did those meeting take place? 12:13:54

22 A. Meetings for me were all by phone or with -- with 12:13:56

23 people that were actually in the Elizabethtown facility. I 12:13:57

24 didn't go anywhere, I don't believe on -- on that date. 12:14:02

25 Q. What -- what meetings do -- 12:14:05

1 A. Well -- 12:14:05

2 Q. -- you recall? 12:14:04

3 A. -- there was a lot going on then, this was a big 12:14:09

4 deal. And so -- 12:14:16

5 Q. What was the big deal about it? 12:14:17

6 A. We had -- we had repeat now. We -- we had 12:14:20

7 identified and per the scientific method, we were turning it 12:14:24

8 on, turning it off, presence of -- of liquid versus no -- no 12:14:25

9 liquid. We could tell -- or we could predict if it would 12:14:25

10 fail or not fail. 12:14:25

11 So now we've got something to -- to identify as 12:14:26

12 root cause. And a lot of -- lot of -- lot -- there -- there 12:14:26

13 was phone calls, there was explanations of the testing, what 12:14:48

14 was going on in the testing, the results of the testing. I 12:14:48

15 don't -- it wasn't long after that the factory was shut 12:14:48

16 down, production of all 700s was stopped. 12:14:48

17 And the effort -- 12:15:15

18 Q. But ba -- based upon the findings that you made 12:15:20

19 that the four rifles tested in the freezer that failed, all 12:15:21

20 production of model 700 rifles was stopped because the 12:15:21

21 production methodology was defective, is that correct? 12:15:21

22 A. The -- 12:15:22

23 MR. COONEY: Object to the character -- the 12:15:22

24 form. Go ahead. 12:15:22

25 A. Yeah. The -- the -- the production was stopped 12:15:43

1 because we had field returned fire controls exhibiting 12:15:44
2 liquid Loctite between the blocker and the trigger. And we 12:15:48
3 were able to consistently get those to fail at 10 degrees 12:15:52
4 Fahrenheit and were getting failures at other temperatures, 12:15:53
5 as shown here, 20 degrees and 30 degrees and zero degrees 12:15:56
6 Fahrenheit. 12:15:56

7 The key there was the liquid Loctite. And the 12:15:57
8 liquid Loctite, due to its nature, doesn't cure up unless 12:15:57
9 it's in a ana -- anaerobic environment with just metal 12:16:19
10 present, presented an issue that we couldn't go for -- we 12:16:26
11 couldn't continue production. 12:16:31

12 Q. (BY MR. CHAFFIN) But you had earlier testified 12:16:34
13 that if the rifles were produced according to specification, 12:16:35
14 there -- there would be no liquid Loctite on the tip of the 12:16:38
15 blocker screw, do you remember that? 12:16:38

16 A. Yes. 12:16:47

17 Q. So you must have identified that the production 12:16:47
18 methodology was not following design specifications because 12:16:49
19 you had found now liquid Loctite on the tip of the blocker 12:16:50
20 in multiple occasions, right? 12:16:50

21 A. Had found that liquid Loctite that wasn't supposed 12:16:59
22 to be on the end of the blocker was present. 12:17:04

23 Q. So you had identified now, all the way back to 12:17:07
24 2006, that the production process contained an error, the 12:17:09
25 people assembling the rifles, that they had been assembling 12:17:14

1 rifles, some of which had liquid Loctite on the blocker 12:17:15

2 screw that was not supposed to be there, right? 12:17:15

3 A. Had identified that rifles, as early as 2006, had 12:17:23

4 gotten out of the factory with liquid Loctite on the tip -- 12:17:30

5 Q. And that -- that should -- 12:17:34

6 A. -- of the blocker. 12:17:34

7 Q. -- not have happened, should it? 12:17:34

8 A. It was found to cause a problem. It was not known 12:17:38

9 to cause a problem before that, so the factory's ability to 12:17:45

10 detect an issue wasn't present. 12:17:51

11 Q. Well, the factory's ability to detect an issue was 12:17:55

12 present at least as early as 2010, wasn't it? 12:17:55

13 A. No. Because in 2010 we didn't have any failures 12:17:55

14 that -- and -- that had been root cause to liquid Loctite. 12:17:55

15 So, if you don't know something's a problem, you don't know 12:17:55

16 to look at -- for it. 12:17:55

17 MR. CHAFFIN: So let's run the Breeze video, 12:17:56

18 please. 12:18:16

19 Q. (BY MR. CHAFFIN) We're going to look at now a 12:18:16

20 video that was provided to Remington, I believe, in January 12:18:16

21 of 2010. 12:18:16

22 CAMERAMAN: You ready? 12:18:46

23 MR. CHAFFIN: Ready. 12:18:47

24 * * * * * 12:18:48

25 (Whereupon, the video is playing.) 12:18:48

1 * * * * * 12:18:48

2 UNKNOWN PERSON IN VIDEO: All right. This 12:18:48

3 video is of my new Remington 700 SPS. I found out that cold 12:18:48

4 seems to accept it -- or affect the action. As soon as you 12:18:52

5 let the -- or the rifle cool down to about 30, 35 degrees 12:18:52

6 ambient temperature outside, the safety releases the firing 12:18:52

7 pin, not the trigger. So this is video record. Thank you 12:19:11

8 very much. 12:19:18

9 MR. CHAFFIN: Stop right there. 12:19:20

10 UNKNOWN PERSON IN VIDEO: All right. 12:19:20

11 Q. (BY MR. CHAFFIN) It is your -- your -- did you -- 12:19:19

12 did you witness that, Mr. Watkins? 12:19:19

13 A. I saw that for the first time a couple weeks ago. 12:19:24

14 Q. This video was provided to the Remington Product 12:19:27

15 Service Department in January of 2010, have you confirmed 12:19:30

16 that? 12:19:30

17 A. No. I -- I haven't confirmed that. 12:19:35

18 Q. Are you disputing that? 12:19:37

19 A. No, I'm not disputing. 12:19:39

20 Q. It's a fact because it's -- it's -- it's in the 12:19:39

21 Product Service records, right? 12:19:40

22 A. I don't know if it's in there or not. 12:19:43

23 Q. Well, in 2010 you were the chief products 12:19:46

24 liability examiner for Remington, weren't you? 12:19:48

25 A. I was director of Product Technology Integration. 12:19:51

1 Q. Same job you had when you examined the Otto rifle, 12:19:54
2 right? You had that same job when the Breeze video came in 12:19:54
3 to Remington in 1010, didn't you? 12:19:59

4 A. I had a -- 12:20:04

5 Q. Same job? 12:20:07

6 A. -- lot -- are you asking me or telling me my 12:20:08
7 testimony? 12:20:10

8 Q. I'm asking. You had the same job? 12:20:11

9 A. It's -- so you going to let me answer? 12:20:13

10 Q. Well, it's a simple answer, either you had the 12:20:15
11 same job or you didn't have the same job? 12:20:16

12 A. Well, the thing is is my job had changed quite a 12:20:19
13 bit. I had picked up more responsibility, different groups 12:20:23
14 within the company so I didn't have the exact same job in 12:20:31
15 2014 that I had in 2010. 12:20:35

16 Q. In 2010 you were available and lived in 12:20:37
17 Elizabethtown, Kentucky to investigate any product failures 12:20:37
18 that seemed significant that were sent to you, right? 12:20:37

19 MR. WILLS: Go ahead. 12:20:38

20 Q. (BY MR. CHAFFIN) Will you answer the question now. 12:20:50

21 A. No. Reask the question. 12:20:36

22 Q. In 2010, you were available in Elizabethtown, 12:20:55
23 Kentucky to investigate any significant product failures 12:20:55
24 that were sent to you for investigation, right? 12:20:55

25 A. I was employed in Elizabethtown. The facilities 12:21:02

1 were there, whether or not the people in Ilion knew that, I 12:21:14
2 don't know. 12:21:14

3 Q. Well, back then, in 2010, you talked to the people 12:21:21
4 in Ilion regularly, didn't you? 12:21:22

5 A. When in 2010? 12:21:29

6 Q. Well, in 2010 you were working on product 12:21:30
7 liability lawsuits weren't you? 12:21:33

8 A. In 2010 I was -- I'm working on product liability 12:21:36
9 lawsuits. 12:21:39

10 Q. All right. So let's watch the rest of the video, 12:21:40
11 then. Do you agree the video that that we just seen the 12:21:42
12 rifle fired without the trigger being pulled? 12:21:42

13 A. The rifle we just saw -- or the -- sorry -- the 12:21:56
14 video that we just saw fired at reported low temperatures 12:21:56
15 when the safety was pushed from safe to fire with the bolt 12:21:56
16 closed. 12:21:56

17 Q. That's a defective rifle, isn't it? 12:22:00

18 MR. WILLS: Object to the form. 12:22:01

19 Q. (BY MR. CHAFFIN) The video we just saw, that rifle 12:21:43
20 we just saw in the video is a defective Remington XMP rifle, 12:22:04
21 isn't it, sir? 12:22:04

22 A. The rifle in the video is exhibiting 12:22:09
23 characteristics that are unsafe. Whether or not those are 12:22:13
24 the fault of the rifle or not, it can't be determined just 12:22:21
25 from that video. 12:22:25

1 Q. Well, let's continue to watch the video. 12:22:26

2 * * * * * 12:22:29

3 (Whereupon, the video is playing.) 12:22:29

4 * * * * * 12:22:29

5 UNKNOWN PERSON IN VIDEO: Remington SPS 380 12:22:30

6 varmint rifle that I purchased the first week in December on 12:22:30

7 a Tuesday. On Friday I took it to the range along with a 12:22:30

8 friend of mine. And after about ten rounds out of the 12:22:30

9 rifle, the rifle started firing as soon as you released the 12:22:30

10 safety. 12:22:30

11 I cont -- contacted Remington customer service 12:22:28

12 department Monday and they did send me a shipping label to 12:22:28

13 return the rifle to them, which I'm going to do. But I 12:22:28

14 wanted to make a video reference of this before I sent the 12:22:28

15 rifle off, make sure that they know I do have a problem. 12:22:28

16 One of the things we found is at room temperatures 12:22:28

17 the rifle does not have a problem. It only seems to be 12:23:06

18 affected in the cold. 12:23:07

19 So last night I left the rifle out in my garage 12:23:07

20 all night and I came here to the rifle club this morning and 12:23:07

21 we're going to see if it -- as you can see now, the bolt's 12:23:07

22 open, the chamber is clear. I'm going to go ahead and put 12:23:13

23 the safety on, close the bolt and then when I release the 12:23:13

24 safety, you notice that no -- nothing's touching the -- 12:23:13

25 trigger. It did not do it. Well, it just fired when I -- 12:23:13

1 when I went to raise the bolt handle. Let's try -- 12:23:13

2 MR. CHAFFIN: Yeah. Run that back again. 12:23:24

3 UNKNOWN PERSON IN VIDEO: Bolt open. 12:23:24

4 MR. CHAFFIN: Run that back. Excuse me. 12:23:24

5 UNKNOWN PERSON IN VIDEO: Safety on, it fired 12:23:24

6 when I -- when I went to raise the bolt handle. 12:23:24

7 MR. CHAFFIN: Let's see, we went to -- that's 12:23:24

8 it. 12:23:24

9 UNKNOWN PERSON IN VIDEO: Try this again. And 12:23:24

10 trigger. 12:23:24

11 MR. CHAFFIN: Watch this. 12:23:24

12 UNKNOWN PERSON IN VIDEO: It did not do it. 12:23:24

13 MR. CHAFFIN: Stop. 12:23:24

14 UNKNOWN PERSON IN VIDEO: Well, it just fired 12:23:24

15 when I -- when I went to raise -- 12:23:24

16 MR. CHAFFIN: Stop, please. 12:23:24

17 Q. (BY MR. CHAFFIN) Did -- did you see that, 12:23:24

18 Mr. Watkins? 12:23:24

19 A. Yeah. 12:23:24

20 Q. And this rifle just fired upon bolt opening, 12:23:24

21 didn't it? 12:23:24

22 A. After being flipped from safe to fire. 12:23:24

23 Q. Right. 12:23:14

24 A. It fired -- 12:23:14

25 Q. But the rifle fired actually when he tried to open 12:23:14

1 the bolt, right? 12:23:14

2 A. The bolt -- the firing pin was released after the 12:23:30

3 safety was flipped from the safe position to the fire 12:23:30

4 position and then he attempted to raise the bolt. 12:23:30

5 Q. But the rifle did not immediately fire when he 12:23:31

6 flipped it to safe to fire, did it? 12:23:31

7 A. The -- that -- the Breeze rifle did not fire when 12:23:31

8 he flipped it from safe to fire on -- 12:23:31

9 Q. When he raised bolt -- 12:23:31

10 A. -- that one. 12:23:31

11 Q. When he raised the bolt, it fired, right? 12:23:31

12 A. After he had flipped it from safe to fire and then 12:23:31

13 attempted to raise the bolt, it did fire. 12:23:31

14 Q. And that would be classified as a fire on bolt 12:23:31

15 opening, wouldn't it? 12:23:31

16 A. Yes. 12:23:31

17 Q. Okay. So now we have identified that the rifles, 12:23:31

18 with the potential defect we're speaking of, fires both upon 12:23:31

19 releasing the safety and upon opening the bolt, right, sir? 12:23:31

20 A. Absolutely not. That's an incorrect statement. 12:23:31

21 MR. CHAFFIN: Continue to run the video then. 12:24:44

22 * * * * * 12:24:47

23 (Whereupon, the video is playing.) 12:24:47

24 * * * * * 12:24:47

25 UNKNOWN PERSON IN VIDEO: The bolt handle. 12:24:47

1 Let's try that again. Bolt open, safety on, bolt closed, 12:24:47
2 and the rifle did fire. Going to do that again. Bolt open, 12:24:47
3 safety on, close the bolt, and, again, you'll see my hands 12:24:47
4 are nowhere near the trigger, and it fires. Now, one more 12:24:47
5 time, bolt open, safety on, close the bolt, nothing near the 12:24:47
6 trigger, the bolt -- the rifle did fire. 12:24:47

7 Now, for reference, I have a box of brand new 12:24:47
8 manufactured Remington ammunition here. A hundred fifty 12:24:47
9 green metal case. I'm going to take one round out, open the 12:24:47
10 bolt, safety on, and load one round. This is just to show 12:24:47
11 that the firing pin is far all the way. You can see the 12:24:47
12 rifle did fire. Bolt open, here's my empty round. Safety 12:24:47
13 on, close the bolt, safety off, rifle did fire. 12:24:47

14 Obviously, this is an issue that we want to have 12:24:47
15 addressed. Thank you for watching. 12:24:47

16 Q. (BY MR. CHAFFIN) Now, your -- when's the first 12:24:47
17 time that you ever saw what's called the Michael Breeze 12:24:47
18 video? 12:24:47

19 A. I believe last week. 12:24:47

20 Q. Now, the video came into possession of Remington 12:24:47
21 in January of 2010, are you aware of that? 12:24:47

22 A. I don't know that for sure. 12:24:47

23 Q. Are you aware of the fact that this video was 12:24:47
24 produced by Remington in the Thar -- where the 14-year-old 12:24:47
25 girl was killed, that it was produced by Remington as part 12:24:47

1 of the production in that case? 12:24:47

2 A. Yes. 12:24:47

3 Q. And you're aware of the fact that the video came 12:24:47

4 out of the product service files and was requested that it 12:24:47

5 be sent to them -- sent to Remington by Mr. Fred Supry back 12:24:47

6 at the end of January of 2010, are you aware of that? 12:24:47

7 A. That would be Arm Service not Product Service. 12:24:46

8 Q. Arm Service, then, are you aware of that fact, 12:24:46

9 sir? 12:24:46

10 A. I believe I saw something in the Product Service 12:24:46

11 file about him requesting it. 12:24:46

12 Q. And -- and, basically, had this same rifle been 12:24:46

13 sent to you to be tested the same way you did the Otto rifle 12:24:46

14 some four years later, Remington would have known about the 12:24:46

15 existence of the malfunction in the XMP rifle as early as 12:24:46

16 2010, right? 12:24:46

17 A. You can't make that conclusion. 12:28:20

18 Q. Well, I asked that -- you -- you said it's 12:28:22

19 Remington's policy to save all the fire controls from rifles 12:28:22

20 that it was removed and the rifle is returned, right? 12:28:22

21 A. That's correct. 12:28:30

22 Q. And the Breeze fire control was removed from that 12:28:30

23 rifle, wasn't it? 12:28:32

24 A. I believe so. 12:28:35

25 Q. And I asked that that Breeze fire control be 12:28:37

1 produced so that we could examine it and today we're told 12:28:39
2 that Remington no longer has that fire control, are you 12:28:39
3 aware of that? 12:28:39

4 A. I am. 12:28:44

5 Q. So we're not able to test that one, are we? 12:28:46

6 A. Without it, you can't test it. 12:28:48

7 Q. But do you know of any other reason -- the -- 12:28:49
8 the -- the scenario we have just seen in this video is 12:28:49
9 basically almost identical to that reported by Mr. Otto 12:28:49
10 where the rifle will fail, in this case, about 30 degrees, 12:28:49
11 right? 12:28:49

12 A. I disagree with that statement. 12:28:51

13 Q. How do you disagree with it? 12:28:52

14 A. The video that we just saw, one, you have a fire 12:28:52
15 on bolt opening after a flip from safe to fire, that's not 12:28:52
16 in Otto's video and was never witnessed in any of our 12:28:52
17 testing. 12:28:52

18 Q. Which makes it even more alarming, right? 12:29:23

19 A. And not -- okay. To continue my answer. The -- 12:29:27
20 the other thing that's puzzling about the video that we just 12:29:32
21 saw is -- is he then gets the rifle to discharge by flipping 12:29:37
22 the safe -- from safe to fire five consecutive times. 12:29:37

23 That was never possible in our testing, that would 12:29:50
24 not -- that did not happen in any of our testing. So, in 12:29:55
25 that manner, it is atypical with not only the Otto video but 12:29:58

1 atypical with respect to our testing. 12:30:00

2 Q. And did you go over the Breeze examination of the 12:30:07

3 gun and confirm that, in fact, the gun was tested like it 12:30:10

4 functioned like new in almost every respect when it was 12:30:11

5 examined at the factory? 12:30:11

6 A. I saw that there was a report in there. I -- I 12:30:19

7 didn't see that there was any malfunctions. 12:30:22

8 Q. Well, it says like new on almost everything, 12:30:26

9 right? 12:30:29

10 A. I don't know. 12:30:29

11 Q. You want to look at it? 12:30:30

12 A. Yes. 12:30:31

13 Q. That's going to be -- I'm not going to mark this 12:30:31

14 one for the record, but it's called PS10594. You can see if 12:30:33

15 you can -- the Breeze rifle looks like it's totally within 12:30:34

16 factory specs, it's only a few weeks old when all of this 12:30:34

17 happens. 12:30:34

18 A. Okay. 12:31:32

19 Q. It appears to be in factory specs, right? 12:31:32

20 A. It appears to pass all the testing that we put it 12:31:36

21 through. 12:31:38

22 Q. So the failure of the Breeze rifle appears to be 12:31:39

23 either virtually identical or perhaps even more inferior 12:31:43

24 than the -- than the Otto rifle, correct, sir? 12:31:44

25 A. No, it's not correct. 12:31:48

1 Q. All right. How -- how do you explain the fact 12:31:50
2 that both the Breeze rifle, that we viewed here, and the 12:31:50
3 Otto rifle that were viewed, that each time you flipped the 12:31:50
4 safety off, it doesn't fail, just some of the time, how do 12:31:50
5 you explain that? 12:31:50

6 A. You lost me. I'm sorry. Can you repeat. 12:32:08

7 Q. All right. We -- let's -- in the Otto -- we -- we 12:32:09
8 looked at the -- at the Breeze rifle in one instance he 12:32:09
9 flipped the safety off and the rifle didn't fire, do you see 12:32:09
10 it that time? 12:32:09

11 A. Yes. 12:32:17

12 Q. And then we looked at the Otto rifle in several 12:32:17
13 instances when you flip the safety off it did not fire, did 12:32:19
14 you see that? 12:32:20

15 A. You are taking it out of context. In the Otto 12:32:24
16 rifle, it did fire first time as it did in all of our 12:32:26
17 testing. 12:32:29

18 Q. Okay. I'm just saying, after it fired the first 12:32:30
19 time, then it did not fire the second, third, and fourth 12:32:30
20 time, right? 12:32:30

21 A. It did not fire -- we're talking Otto? 12:32:38

22 Q. Yes. 12:32:43

23 A. The Otto rifle fired after a 10-degree soak, per 12:32:43
24 his video, on the first flip from safe to fire. It did not 12:32:48
25 discharge on subsequent. 12:32:53

1 Q. Okay. Why did the rifle fire the first time you 12:32:55
2 flipped the safety but not the second, third, and fourth 12:32:56
3 time you flipped the safety? 12:32:56

4 A. Well, we determined in our testing of the Otto 12:32:57
5 rifle was is the liquid Loctite, when it gets down to this 12:33:04
6 10-degree temperature, your -- the glass transition 12:33:10
7 temperature, so the viscosity of the Loctite goes up very 12:33:13
8 high. And so the viscosity -- 12:33:13

9 Q. Gets thicker you mean? 12:33:13

10 A. Its viscosity, which is the amount of force to 12:33:19
11 displace it goes up and, therefore, when it -- when -- at 10 12:33:19
12 degrees Fahrenheit, when you're flipping it from safe to 12:33:19
13 fire, it pulls the trigger forward out from under the sear 12:33:19
14 and the gun discharges. 12:33:19

15 Once that bond is broken, okay, once the Loctite 12:33:31
16 then shears into two -- two halves and you put it back 12:33:31
17 together, it doesn't rebond. And so it -- on the subsequent 12:33:31
18 ones, it's not pulling it and it's -- you're not getting it 12:33:31
19 to fire. If the bond does not break, you will get a 12:33:31
20 subsequent fire on the next pull. 12:33:31

21 We were unable to get anything to ever go past two 12:33:19
22 flips from safe to fire in our testing. 12:34:09

23 Q. Did you get some to go to two flips? 12:34:13

24 A. One. 12:34:14

25 Q. Okay. So one time you flipped it and it fired two 12:34:14

1 times in a row, the other times it would only fire one time 12:34:14

2 in a row, right? 12:34:14

3 A. Every other one would only fire one time in a row 12:34:20

4 and I believe only one of them fired two times in a row. 12:34:20

5 Q. So that would be what's called an intermittent 12:34:20

6 failure, right? 12:34:20

7 A. No. You got a hundred percent failure at 10 12:34:21

8 degrees on the first one. So -- and then -- and then -- so 12:34:21

9 you got a hundred percent failure at 10 degrees. 12:34:21

10 Q. All right. Why wasn't there additional 12:34:21

11 investigation carried out with the Breeze rifle, such as 12:34:52

12 simulating the actual conditions under which it failed at 12:34:56

13 the time that rifle came into the possession of Remington, 12:34:56

14 have you determined that, sir? 12:34:56

15 A. No, I have no idea. 12:34:57

16 Q. You're telling us here today, though, that in 12:35:06

17 Remington's lab in New York they can only test the rifle at 12:35:06

18 minus 20, right? 12:35:06

19 A. At the time of the Otto rifle was sent to me, it 12:35:13

20 was reported to me that Arm Service only had the ability to 12:35:16

21 go as low as negative 20 and it was binary, it was negative 12:35:20

22 20 or room, on the low side. 12:35:26

23 Q. So, if the -- assuming that the Breeze rifle, 12:35:29

24 which the -- the fire control has somehow been lost by 12:35:32

25 Remington from the Breeze rifle, correct, sir? 12:35:33

1 A. My understanding is is they can't locate it. 12:35:38

2 Q. They -- they were able to locate the fire control 12:35:39

3 for another rifle we're going to watch in a minute, the 12:35:41

4 Charles Young rifle, correct? 12:35:42

5 A. Correct. 12:35:45

6 Q. And they were able to locate 71 other fire 12:35:45

7 controls that you requested way back when, right? 12:35:45

8 A. They shipped me some fire controls. I don't know 12:35:52

9 the exact number. 12:35:54

10 Q. Did -- did they ship you the Breeze fire control 12:35:54

11 back in 2014? 12:35:55

12 A. You have to look at the data. I don't believe 12:35:58

13 it's in the list. 12:36:01

14 Q. It appears that Remington has somehow lost the 12:36:03

15 Breeze fire control, right? 12:36:04

16 A. It's my understanding is they can't locate it. 12:36:07

17 Q. But, if they had followed their ordinary and 12:36:10

18 standard procedures, it would be in inventory, wouldn't it? 12:36:11

19 As you've told us earlier, they put it in an 12:36:14

20 envelope, like we see here today, what we've got, we can 12:36:15

21 show it here, which another one we're going to look at in a 12:36:15

22 minute, that's the way they're supposed to be maintained, 12:36:15

23 right? 12:36:24

24 A. Yeah, that's typical. 12:36:26

25 Q. Typical. And the Breeze rifle from 2010 has 12:36:27

1 somehow been lost, right? 12:36:30

2 A. My understanding is they cannot find the Breeze 12:36:33

3 rifle fire control. 12:36:33

4 Q. Right. So we -- 12:36:36

5 A. And we -- we would -- 12:36:36

6 Q. -- have to go with the evidence we have. From the 12:36:36

7 evidence that we have, it appears that the Breeze failure in 12:36:36

8 2010 was virtually identical to the Otto failure in 2014, 12:36:40

9 correct, sir? 12:36:45

10 A. Again, your statement is false. 12:36:46

11 Q. You disagree with the stat -- 12:36:49

12 A. I disagree with your statement. 12:36:49

13 Q. All right. Had the rifle from Breeze been 12:36:47

14 returned to you or forwarded to you for adequate 12:36:47

15 investigation in 2010 under the same or similar 12:36:47

16 circumstances in which it failed in the field and you had 12:36:47

17 been able to duplicate that in 2010, as you did in 2014, 12:36:47

18 then, in fact, all of the rifles from 2010 forward would 12:36:47

19 have been -- the manufacturing of those would have been 12:37:13

20 stopped and there would have been a customer warning issued 12:37:14

21 that you have a dangerous rifle in your possession, correct, 12:37:15

22 sir, that would have happened in 2010, right? 12:37:15

23 MR. WILLS: Object to the form of the 12:37:22

24 question; incomplete hypothetical; calls for speculation. 12:37:22

25 Go ahead. 12:37:22

1	A.	If I follow your hypothetical, it would completely	12:37:15
2		depend on what was found. And without having examined the	12:37:36
3		fire control and done the testing, I can't say what would or	12:37:41
4		would not have happened.	12:37:45
5	Q.	(BY MR. CHAFFIN) Well, from the video, it appears	12:37:46
6		to be identical, doesn't it?	12:37:46
7		MR. WILLS: Object to the --	12:37:49
8	A.	I think for about the fourth time, no.	12:37:47
9	Q.	(BY MR. CHAFFIN) Okay. Now, you -- you have also	12:37:52
10		examined recently -- have -- have you examined the Young	12:37:52
11		rifle?	12:38:00
12	A.	Rifle, no.	12:38:00
13	Q.	Was the Young video, that happened and was	12:38:01
14		provided to Remington prior to the Otto video, was that	12:38:04
15		provided to you at the time Remington came into possession	12:38:07
16		of it, the Charles Young video?	12:38:10
17	A.	I have no idea about the date of the Charles Young	12:38:13
18		video, no.	12:38:15
19	Q.	Did -- did you ever see the Charles Young video	12:38:16
20		before this lawsuit?	12:38:19
21	A.	I saw the Charles Young video for the first time	12:38:20
22		this week.	12:38:20
23	Q.	This week?	12:38:23
24	A.	No. I'm sorry. Last week.	12:38:24
25	Q.	All right. So let's run the Charles Young video	12:38:26

1	now. And this video came into the possession of Remington	12:38:26
2	in December of 2013.	12:38:26
3	CAMERAMAN: Which one here do you want,	12:38:26
4	there's two of them?	12:38:26
5	MR. CHAFFIN: Let's run them both.	12:38:26
6	Q. (BY MR. CHAFFIN) There's -- there's two -- two	12:38:44
7	little segments. And both these video, by the way, were	12:38:44
8	posted on You Tube, too, is my understanding. Is that your	12:38:44
9	understanding as well?	12:38:44
10	* * * * *	12:38:56
11	(Whereupon, the video is playing.)	12:38:56
12	* * * * *	12:38:56
13	UNKNOWN PERSON IN VIDEO: All right. So you	12:38:44
14	can see that this is on safety. It's a stock trigger, came	12:38:44
15	with the gun, it's adjusted all the way down to the lowest	12:38:44
16	pressure. Okay. So what's been happening, is you -- you	12:38:44
17	close the bolt on the rail and you push the safety to fire	12:39:15
18	and it goes off without my finger on the trigger. You'll	12:39:17
19	see that my finger is not on that trigger. Okay. Doesn't	12:39:29
20	happen. Here you go. It did it twice in a row when they --	12:39:42
21	I know. Wow. There it went. I didn't touch it. Wow.	12:40:07
22	MR. CHAFFIN: Okay. There's one more that	12:40:21
23	goes with it.	12:40:21
24	* * * * *	12:40:27
25	(Whereupon, the video is playing.)	12:40:27

1	* * * * *	12:40:27
2	UNKNOWN PERSON IN VIDEO: Keep it on in there.	12:40:27
3	MR. WILLIS: Is that the one you saw?	12:40:29
4	UNKNOWN PERSON IN VIDEO: This is a factory	12:40:32
5	round, as well. This is -- this is a standard Remington	12:40:32
6	core-lokt -- core-lokt round, never been reloaded, anything	12:40:45
7	like that, it's just straight out of the box round. Okay.	12:40:45
8	The gun's on safety, finger's off the trigger. Okay.	12:41:04
9	Perfect. Never touched the trigger. Went off.	12:41:08
10	Q. (BY MR. CHAFFIN) Now, was -- was the Charles Young	12:41:20
11	video or the two videos we saw here, which are both posted	12:41:24
12	on You Tube, by the way, were those ever provided to you	12:41:24
13	prior to the Otto video?	12:41:24
14	A. No.	12:41:32
15	Q. You know why that is?	12:41:32
16	A. No.	12:41:34
17	Q. You had the same position in December of 2013 that	12:41:36
18	you had in -- in March of 2013, right?	12:41:39
19	A. I believe that's accurate.	12:41:47
20	Q. And you -- this fella Nichols, Scott Nichols is	12:41:49
21	the one that sent you the video in 2014, right?	12:41:50
22	A. He told me where to go look for it.	12:41:55
23	Q. And he -- he's the same guy that's listed under	12:41:59
24	the examiner -- examination section of the Young rifle that	12:42:02
25	was reported to -- to Remington when it was shipped in, are	12:42:09

1 you aware of that? 12:42:11

2 A. I don't know if it says that or not. 12:42:13

3 Q. So it -- it would appear that there's -- there has 12:42:15

4 been no uniform procedure to fully investigate and forward 12:42:15

5 to you, the lead product liability investigator, rifles 12:42:23

6 received by Remington with videos proving that they have 12:42:28

7 failed, there's just no procedure in place for doing it, 12:42:29

8 it's just happenstance, right? 12:42:29

9 MR. WILLS: Object to the form; compound and 12:42:36

10 argumentative. 12:42:36

11 A. And your title of me is incorrect. My -- my 12:42:29

12 position was director of Product Technology Integration. 12:42:36

13 And -- 12:42:36

14 Q. (BY MR. CHAFFIN) But you never seen this video 12:42:52

15 before this lawsuit, right? 12:42:55

16 A. Correct. 12:42:56

17 Q. And af -- after the lawsuit and then today, you 12:42:57

18 were actually -- 12:42:58

19 MR. COONEY: I'm going to object, by the way, 12:42:58

20 because the video was made actually after the lawsuit was 12:42:58

21 filed so Derek couldn't have seen it before the lawsuit. 12:42:58

22 MR. CHAFFIN: Right. 12:42:58

23 Q. (BY MR. CHAFFIN) But you -- you brought with you 12:43:08

24 today -- and I hadn't had a chance to look at them -- you 12:43:09

25 bought with you today the actual Young fire control, right? 12:43:12

1 A. Correct. I believe so. 12:43:17

2 Q. And -- and I don't know if we -- 12:43:19

3 A. Be careful, there's a spring -- you don't want 12:43:19

4 that to get lost. 12:43:19

5 Q. Which spring? 12:43:19

6 A. It's -- well, let's -- let's find out where it is. 12:43:25

7 All right. So where is it? 12:43:28

8 Q. I don't know. 12:43:32

9 A. Is it in the fire control, let's check and make 12:43:33

10 sure. 12:43:33

11 Q. I hear something rattling, is that it, you think? 12:43:33

12 A. I don't know. 12:43:42

13 Q. Here's the spring right here. 12:43:44

14 A. All right. Let's -- 12:43:48

15 Q. Is this the one? 12:43:48

16 A. Yes. Be careful. Just don't -- 12:43:50

17 MR. WILLS: Maybe it's a spring for something 12:43:50

18 else. 12:43:50

19 A. No. That's -- that's the sear spring. 12:43:50

20 Q. (BY MR. CHAFFIN) All right. Now -- now, you -- 12:43:56

21 now, this fire control -- I'm going to put on here and let's 12:43:56

22 see if the jury can see it here. This -- this just -- 12:43:59

23 this is -- this is the entire X -- 12:43:59

24 MR. CHAFFIN: Zoom in on that if you could. 12:44:00

25 Q. (BY MR. CHAFFIN) We're looking at now, a Remington 12:44:00

1	X-Mark Pro fire control, right, yes, sir?	12:44:00
2	A. Correct.	12:44:12
3	Q. And if you look right in this little window --	12:44:12
4	MR. CHAFFIN: Can you zoom in any closer?	12:44:15
5	THE VIDEOGRAPHER: That's as far as I can go.	12:44:15
6	MR. CHAFFIN: Let me see if I can get it a	12:44:15
7	little closer.	12:44:15
8	A. Well, it's not complete --	12:44:16
9	Q. (BY MR. CHAFFIN) If you look right in this little	12:44:17
10	window right here, you actually can see the trigger, which	12:44:17
11	is going to be where my pen is on it right there, there's	12:44:17
12	the trigger and there's actually the blocker screw, right?	12:44:17
13	A. Correct.	12:44:25
14	Q. You can see those two things?	12:44:37
15	A. Yes.	12:44:39
16	Q. And that's the area that we've been talking about	12:44:39
17	for most of today's deposition, right?	12:44:40
18	A. The blocker screw relationship to the trigger has	12:44:43
19	been subject of conversation.	12:44:46
20	Q. And -- and to my naked eye here -- I'm going to	12:44:48
21	put this here and zoom it in as best we can on this little	12:44:50
22	spot right here. Let's see if it'll come up any better	12:44:52
23	there. No, it gets even blurrier doesn't it.	12:44:52
24	CAMERAMAN: Well, it might be the focus.	12:44:52
25	Q. (BY MR. CHAFFIN) You took some photographs of it	12:45:12

1 closeup, right? 12:45:14

2 A. Yeah. Put it under microscope. 12:45:16

3 Q. Let's see what you got here. But to me, when I -- 12:45:20

4 when I look at it it appears as if there is a deposit on the 12:45:23

5 face of the trigger of some combination of Loctite and 12:45:25

6 graphite, does it appear like that to you, as well? 12:45:33

7 A. The video did -- or the video -- the pictures that 12:45:43

8 you're going to pull up will show that there's graphite and 12:45:43

9 a Loctite mix, there is no liquid Loctite present. 12:45:43

10 Q. All right. And -- and do you then admit that the 12:45:47

11 presence of -- see if we can -- 12:45:51

12 CAMERAMAN: Let me see this. 12:45:51

13 Q. (BY MR. CHAFFIN) We just saw this rifle fire 12:45:52

14 without the trigger being pulled on multiple occasions, 12:45:52

15 right? 12:45:52

16 A. Correct. 12:46:01

17 Q. It didn't fire every time though, did it? 12:46:02

18 A. Absolutely not. 12:46:05

19 Q. But it fired some of the times, right? 12:46:05

20 A. It fired twice in two -- once in each video. 12:46:08

21 Q. Well, actually, it fired more than that but we 12:46:16

22 don't -- we can show it again if you want to. 12:46:18

23 MR. WILLS: There were two rounds fired. 12:46:21

24 Q. (BY MR. CHAFFIN) Two live rounds fired but it -- 12:46:23

25 it dry fired on other occasions, right? 12:46:23

1	A. No. I thought it only discharged twice and that	12:46:27
2	was it. They only -- he only used live rounds. He	12:46:30
3	didn't never do anything else. We can watch it again, but	12:46:32
4	I'm --	12:46:34

5 | Q. Okay. We'll watch it again. 12:46:34

6 | A. -- pretty sure that that's correct. 12:46:34

7	Q. All right. Let's see what pictures you've taken	12:46:35
8	here so we'll -- we'll let the jury know here that this is	12:46:40
9	the first time that I have seen these pictures, as well,	12:46:41
10	they brought here today.	12:46:41

11 And what -- what is your -- what do you believe is 12:46:41

12 shown in the pictures? 12:46:41

13 A. The pictures will show conclusively that there's 12:46:42

14 no liquid Loctite between the trigger and the blocker screw. 12:46:42

15 Q. The pictures will show at some point in time the 12:46:43

16 blocker has been in contact with the trigger, right? And -- 12:47:14

17 and that's how -- that's how the deposit has been left there 12:47:14

18 of the Loctite that's on the face of the trigger, right? 12:47:14

19	A. The pictures, I don't know if they show the -- the	12:47:19
20	blocker touching the trigger or not. What the pictures show	12:47:19
21	is that there's --	12:47:21

22 MR. CHAFFIN: Are you getting them to come up? 12:47:25

23	CAMERAMAN: Yeah.	12:47:25
----	------------------	----------

24 | A. Which one are you trying to open? 12:47:22

25 CAMERAMAN: This one. 12:47:26

1 MR. CHAFFIN: Let's open the first one then. 12:47:26

2 Okay. All right. Let's put that on the screen. Do you 12:47:27

3 have a -- a mouse that I can use there, it'll come up on the 12:47:29

4 screen. 12:47:29

5 Q. (BY MR. CHAFFIN) All right, then. Now, this -- 12:47:30

6 this -- this is the area on the screen now, you see this 12:47:30

7 that we're talking about right here -- 12:47:30

8 A. Yes. 12:47:30

9 Q. -- Mr. Watkins? And this area on the screen -- 12:47:30

10 this -- this rifle we just saw, this is the same rifle that 12:47:30

11 just fired without the trigger being pulled, right? 12:47:30

12 A. It discharged when the safety was flipped from 12:47:31

13 safe to fire. 12:47:31

14 Q. Mr. Watkins, the rifle fired without the trigger 12:47:57

15 being pulled, true? 12:47:57

16 A. The rifle fired when the safety was flipped from 12:47:30

17 safe to fire. 12:47:30

18 Q. Do you have a problem with admitting the rifle 12:48:16

19 fired without the trigger being pulled? 12:48:17

20 A. I'm just being accurate in my testimony. 12:48:18

21 Q. Well, the accurate thing here is -- just answer 12:48:18

22 yes or no. Did the rifle fire, that we viewed, without the 12:48:18

23 trigger being pulled, yes or no? 12:48:18

24 A. The rifle discharged when the safety was flipped 12:48:21

25 from safe to fire. 12:48:21

1 Q. Now, people with Remington do not like to admit 12:48:22
2 the rifle fired without the trigger being pulled, do they? 12:48:29
3 A. No. 12:48:29
4 Q. You've been taught at Remington never admit the 12:48:29
5 rifle fires without the trigger being pulled -- 12:48:39
6 MR. WILLS: Object to the form. 12:48:39
7 Q. (BY MR. CHAFFIN) -- you've been taught that, 12:48:39
8 haven't you? 12:48:39
9 MR. WILLS: Object to the form of the 12:48:42
10 question; argumentative. You don't have to answer that. 12:48:42
11 Q. (BY MR. CHAFFIN) Haven't you been instructed at 12:48:39
12 Remington, as part of your product liability leadman role, 12:48:39
13 not to ever admit this rifle fires without the trigger being 12:48:39
14 pulled, you've been told that, haven't you, over the years? 12:48:39
15 A. Absolutely not. And that's pretty evident by the 12:48:58
16 fact that we did a recall. 12:49:00
17 Q. Well, and that's all I'm asking you. Here today 12:49:02
18 we just looked at a video of the Charles Young rifle where 12:49:04
19 it fired without the trigger being pulled, that's all I'm 12:49:05
20 asking you, without the trigger being pulled, the rifle 12:49:05
21 fired, true, sir? 12:49:05
22 A. The rifle fired when the safety was flipped from 12:49:13
23 safe to fire. 12:49:14
24 Q. Without the trigger being pulled. Can you 12:49:14
25 repeat -- 12:49:14

1 A. The rifle -- 12:49:14

2 Q. -- those words? 12:49:14

3 A. -- discharged when the safety was flipped from 12:49:14

4 safe to fire. 12:49:14

5 Q. And was the trigger pulled? 12:49:14

6 A. The rifle discharged when the safety was flipped 12:49:24

7 from safe to fire. 12:49:25

8 Q. But was the trigger pulled, yes or no? 12:49:28

9 A. The rifle -- the -- the trigger did not appear to 12:49:30

10 be pulled by the shooter when he flipped it from safe to 12:49:31

11 fire. 12:49:31

12 Q. All right. Thank you very much. The trigger did 12:49:31

13 not appear to be pulled, right? 12:49:31

14 MR. WILLS: Bob, if you're going to 12:49:41

15 mischaracterize his testimony every time you ask a question, 12:49:41

16 we'll just stop. 12:49:41

17 MR. CHAFFIN: Well, he -- 12:49:41

18 MR. WILLS: He's telling you that the trigger 12:49:41

19 was not pulled by the shooter. 12:49:41

20 MR. CHAFFIN: Okay. Let's -- so that -- we -- 12:49:41

21 we all know what we saw on that video just a minute ago. 12:49:41

22 Q. (BY MR. CHAFFIN) Now, here we see the presence of 12:49:31

23 a compound that has been deposited on the face of the 12:49:31

24 trigger, do you see that? 12:49:31

25 A. There is a mixture of graphite and Loctite on the 12:50:00

1 face of the trigger. 12:50:00

2 Q. And -- and the same mixture is a present right 12:50:00

3 here on the -- on the blocker screw as well, right? 12:50:01

4 A. On the edge of the blocker screw. 12:50:01

5 Q. And it appears as if these two mixtures have been, 12:50:04

6 in fact, bonded together at some point in the past, right? 12:50:04

7 A. I disagree with the statement of bonded. The -- 12:50:18

8 Q. Glued, is that a good statement, glued together? 12:50:19

9 MR. WILLS: Let him finish his answer, please. 12:50:21

10 A. No. Glued is not a good statement. 12:50:21

11 Q. (BY MR. CHAFFIN) Well, how would you describe the 12:50:20

12 fact that these -- these -- these two edges obviously have 12:50:20

13 fit together, you can see it right here. You can see it 12:50:20

14 right here. Obviously, they have been fit -- fitted 12:50:20

15 together at some point in the past, right? 12:50:20

16 A. The blocker comes in contact with the trigger per 12:50:42

17 design. 12:50:45

18 Q. Right. And -- and the -- okay. So wha -- what do 12:50:47

19 you think we're looking at here? 12:50:47

20 MR. WILLS: Your mic is -- 12:50:48

21 A. Oh, sorry. 12:50:53

22 Q. (BY MR. CHAFFIN) What are we looking at? 12:50:54

23 A. Are you going to let me finish my statement. 12:51:12

24 Q. Yeah. Yeah. I want you to explain now. You can 12:51:14

25 talk all you want. 12:51:14

1 A. Please let me finish, okay -- 12:51:14

2 Q. Talk all you want. 12:51:14

3 A. -- without interrupting me again. Okay. 12:51:14

4 Now, what you're seeing is is a mixture of Loctite 12:51:14

5 and graphite on the face of the trigger and on the sides of 12:51:14

6 the blocker. 12:51:14

7 What you also see is is that -- in this and then 12:51:14

8 in subsequent photos, which will be abundantly clear, is is 12:51:14

9 the face of the trigger and the face of the blocker are bone 12:51:14

10 dry. There is no Loctite between the blocker and the 12:51:14

11 trigger. 12:51:14

12 Q. Well, there has been at some point, right? These 12:51:44

13 have been adhered together at some point, right? 12:51:47

14 A. Your use of adherence together is inappropriate 12:51:47

15 and incorrect. 12:51:52

16 Q. Isn't it a fact that the rifle, as we're now 12:51:55

17 viewing this -- this fire control, was defectively 12:51:58

18 manufactured? 12:51:58

19 A. The -- the existence of liquid Loctite is not 12:52:05

20 present on this rifle. The absence of liquid Loctite, the 12:52:16

21 presence of what you are seeing here, has been proven to not 12:52:22

22 produce an unsafe condition. 12:52:26

23 Q. How do you explain the fact that we just saw this 12:52:31

24 rifle fire two live rounds without the trigger being pulled, 12:52:34

25 how do you explain that, Mr. Watkins? 12:52:36

1 A. Well, first, I -- I can't explain it because the 12:52:39
2 behavior of the rifle is atypical with respect to the Otto 12:52:44
3 rifle and the other rifles that we tested that were 12:52:47
4 subject -- that were subject to failure of liquid Loctite. 12:52:50

5 Q. The fact is, the rifle failed exactly the way the 12:52:56
6 Otto rifle and exactly the way the Breeze rifle failed and 12:52:59
7 we see in this rifle the exact condition on the blocker and 12:53:00
8 the screw that we see in both those rifles, right? 12:53:00

9 MR. WILLS: Object to the form; compound; 12:53:00
10 argumentative. 12:53:00

11 A. Your statement is wholly wrong. 12:53:12

12 Q. (BY MR. CHAFFIN) The -- we -- do you believe, in 12:53:15
13 your opinion, that the condition viewed in this photograph, 12:53:16
14 which is the present of Loctite in a solid or congealed form 12:53:19
15 on the face or the -- of the blocker screw and the trigger 12:53:30
16 face had anything to do with the rifle firing without the 12:53:34
17 trigger being pulled? 12:53:35

18 A. When I tested this fire control at -- at 8 degrees 12:53:39
19 Fahrenheit, it did not fail in the rifle. The failure 12:53:41
20 mechanism, as shown in the video -- 12:53:45

21 Q. Why'd you test at 8 degrees? 12:53:45

22 A. -- the fail -- because that's the temperature my 12:53:45
23 freezer went to. The -- 12:53:45

24 Q. But he wasn't using it at 8 degrees, so why didn't 12:53:55
25 you test it at the same degree that the human -- 12:53:57

1 A. There's no reference to the temperature that was 12:53:58
2 in the video at all. And what we're talking about here is 12:53:58
3 is this subjective or will this fail with liquid Loctite 12:53:58
4 like the Otto rifle. 12:53:58

5 And, as we proved in our testing before, that 12:53:58
6 the -- when there's liquid Loctite, such as was abundantly 12:53:58
7 clear on the Otto rifle, you do get failures at that 12:53:58
8 temperature. This one did not. 12:54:01

9 The -- this rifle doesn't have the liquid Loctite, 12:54:01
10 this rifle as -- or fire control doesn't have the liquid 12:54:01
11 Loctite, as examined, and did not fail the testing at 12:54:01
12 temperatures. 12:54:01

13 And the video and the failures shown in the video 12:54:01
14 are not the same as what's in the Otto. 12:54:30

15 Q. We -- we looked at the video together, we know 12:54:31
16 this rifle will fire without the trigger being pulled. We 12:54:31
17 have the record from the factory here. It appears to be in 12:54:31
18 factory specs. The only thing we have out of the ordinary 12:54:31
19 here in evidence is the presence of the Loctite on the 12:54:31
20 trigger face and the blocker. 12:54:31

21 Now, what other explanation do you have for this 12:55:00
22 rifle firing without the trigger being pulled? 12:55:02

23 A. Your statement is cor -- incorrect. There is -- 12:55:07
24 that's not the only thing that is available to us. We know 12:55:09
25 that liquid Loctite on the blocker did not cause this and 12:55:16

1 will not cause this rifle to fire because it's not there. 12:55:21

2 Q. Well, why did the rifle fire without the trigger 12:55:25
3 being pulled, just tell us. 12:55:25

4 A. I have to do more testing, more examination. But 12:55:28
5 the failure mode shown in the video could have absolutely 12:55:30
6 nothing to do with temperature. 12:55:31

7 Q. So we -- we know we have some physical evidence 12:55:32
8 that we're looking at. We know the rifle fired without the 12:55:32
9 trigger being pulled. 12:55:43

10 And, as you sit here in this seat today, knowing 12:55:44
11 you were coming here to give this testimony and how 12:55:44
12 important this lawsuit is, do you have any explanation as to 12:55:44
13 why that rifle fired without the trigger being pulled? 12:55:44

14 MR. WILLS: Object to form. 12:55:44

15 A. I -- 12:55:56

16 MR. WILLS: Object to the form. It's 12:55:56
17 argumentative. 12:55:56

18 A. I do not have conclusive evidence as to why this 12:55:58
19 rifle fired. I do have evidence conclusively, through 12:55:59
20 examination and through analytical, it did not fire because 12:56:00
21 of what caused the Otto gun to fire. 12:56:00

22 Q. (BY MR. CHAFFIN) Let's look at the rest of the 12:56:15
23 pictures then. 12:56:21

24 MR. CHAFFIN: I'll tell you what, why don't we 12:56:26
25 take our lunch break now and that'll give me an opportunity 12:56:26

1 to look at the pictures here for just a minute, we can show 12:56:26
2 them after lunch. 12:56:26
3 A. Okay. 12:56:34
4 THE VIDEOGRAPHER: Going of the record. 12:56:34
5 * * * * * 01:02:32
6 (Lunch break taken.) 01:02:32
7 * * * * * 01:02:32
8 THE VIDEOGRAPHER: We're on the record. 02:09:04
9 MR. CHAFFIN: Greg, let me see that picture of 12:56:34
10 number 9. 02:09:04
11 Q. (BY MR. CHAFFIN) We're going to look at one more 02:09:04
12 picture here, Mr. Watkins, of a fire control -- excuse me -- 02:09:04
13 the -- well, fire control from the -- from the Young rifle. 02:09:04
14 And what -- what are we seeing -- you look at the 02:09:05
15 arrow there, what are we seeing right around here, this 02:09:05
16 whole area right at this stuff here, what's all this stuff? 02:09:05
17 A. You see on the outside edges of the blocker screw 02:09:25
18 a mixture of Loctite and graphite. 02:09:28
19 Q. And what do you see here? 02:09:33
20 A. And you see no Loc -- no liquid Loctite at all on 02:09:33
21 the tip of the blocker screw. 02:09:35
22 Q. And what do you see here? 02:09:36
23 A. On the edges of the trigger, you see a mixture of 02:09:39
24 Loctite and graphite, no liquid Loctite. 02:09:42
25 Q. Well, it was in liquid form at some stage, right? 02:09:47

1 A. It would have been in liquid form before the 02:09:47
2 graphite was mixed in. 02:09:47

3 Q. Well, why do you say -- you -- does the graphite 02:09:49
4 make it set up? 02:09:49

5 THE VIDEOGRAPHER: His mic. 02:09:49

6 A. It doesn't set up as much as it just ties it up. 02:09:57
7 It's the -- the only part that cures is what's right up 02:09:58
8 against the metal. The -- what you're seeing out there -- 02:09:58

9 Q. This? 02:09:58

10 A. -- that's a -- that's a mixture -- that's a 02:09:58
11 mixture of -- of graphite and Loctite and we call it crusty, 02:09:58
12 it's just -- it's -- it's comes flaky, it's a -- 02:09:58

13 Q. (BY MR. CHAFFIN) Does it stay soft? 02:09:58

14 A. It -- it's, like I say, it's kind of crusty. 02:09:58

15 Q. So, when you say it doesn't cure, you mean it 02:09:58
16 doesn't get entirely hardened, this surface? 02:09:58

17 A. It doesn't get hardened like pure Loctite does. 02:09:58

18 Q. So it would still have a tendency to stick 02:09:58
19 together then? 02:09:58

20 A. No, it doesn't at all. 02:09:58

21 Q. Okay. But what we're seeing -- 02:09:58

22 A. The two pieces -- 02:10:23

23 Q. -- in this photograph is this -- this particular 02:10:23
24 fire control, as we see it in this photograph from the Young 02:10:23
25 rifle that fired without the trigger being pulled, this -- 02:10:23

1 this does not meet manufacturing specifications of 02:10:23

2 Remington, either, at the time the manu -- the rifle was 02:10:23

3 manufactured or now, does it? 02:10:53

4 A. The Loctite should not be on the blocker screw. 02:10:56

5 Q. It doesn't meet specifications either when 02:11:01

6 manufactured or at present, right? 02:11:03

7 A. That condition right there doesn't do -- it 02:11:05

8 doesn't show anything that would create a safety hazard. 02:11:06

9 Q. Pay attention to the question. This does not meet 02:11:11

10 manufacturing specifications either now or at the time it 02:11:12

11 was manufactured does it? At least try to answer that. 02:11:16

12 A. The -- it does not meet the specification as of 02:11:20

13 today with the Loctite 660 being there. 02:11:21

14 Q. Or as of -- as of the time it was manufactured, it 02:11:25

15 was not supposed to have Loctite around this edge, right? 02:11:25

16 A. Was not -- that was not part of the drawing set. 02:11:25

17 Q. So it's not -- doesn't meet factory 02:11:33

18 specifications, does it? 02:11:36

19 A. The factory specifications do not specify mixture 02:11:36

20 of Loctite and graphite on the blocker screw. 02:11:36

21 Q. And it's there, right? 02:11:50

22 A. A mixture of Loctite and graphite, no liquid 02:11:37

23 Loctite is present on that blocker screw. 02:11:37

24 Q. This -- the fire control we see in this photograph 02:12:15

25 does not meet factory specifications at the time 02:12:15

1 manufactured, does it? No? 02:12:15

2 A. The factory specifications do not call for a 02:12:18

3 mixture of lac -- Loctite and graphite on the blocker screw. 02:12:18

4 Q. And do you see a mixture of Loctite and graphite 02:12:23

5 on the blocker screw? 02:12:23

6 A. I see a mixture of Loctite and graphite, no liquid 02:12:16

7 Loctite. 02:12:16

8 Q. But at some time it was liquid Loctite, wasn't it, 02:12:23

9 to begin with? 02:12:23

10 MR. WILLS: Objection; asked and answered. 02:12:25

11 Q. Okay. 02:12:26

12 MR. CHAFFIN: Pull that one off. 02:12:26

13 Q. (BY MR. CHAFFIN) Now, the photograph that we have 02:12:25

14 just seen where you have deposits of Loctite on both the 02:12:29

15 blocker screw and the trigger is, in fact -- if we can get 02:12:32

16 the camera on this one -- is very similar -- if you get a 02:12:34

17 closeup -- very similar to the deposits we see in this 02:12:41

18 photograph where you have Loctite on the trigger and on the 02:12:46

19 blocker, very similar, right? 02:12:46

20 A. The absence of liquid Loctite, the presence of 02:12:52

21 graphite and Loctite mixed together are similar. The ti -- 02:12:55

22 and there's no reason to think that it would perform any 02:12:56

23 different than the testing that was done on the Young rifle. 02:12:56

24 Q. All I am trying to get now is the photograph that 02:13:06

25 we're looking at right now is very similar to the condition 02:13:07

1 we saw in the photograph of the Young rifle, correct? 02:13:11

2 A. The -- the -- the photo that you're looking at 02:13:13

3 right now shows a mixture of graphite and Loctite together, 02:13:13

4 no liquid Loctite. 02:13:13

5 Q. But it's similar to the Young photograph, right? 02:13:22

6 A. Shows liquid -- or graphite and Loctite mixed 02:13:23

7 together. 02:13:23

8 Q. So -- and the Young rifle we saw that it fired 02:13:28

9 without being -- the trigger being pulled. And now we're 02:13:30

10 looking at a photograph of the rifle that shot and killed 02:13:31

11 Jasmine Thar with basically the same condition in both 02:13:31

12 rifles, right? 02:13:31

13 A. That's monocular view, you're only looking at one 02:13:40

14 component. The guns that were tested in the condition shown 02:13:40

15 on the Thar rifle never fired absent a trigger pull. 02:13:40

16 Q. Well, but we're looking at the same condition in 02:13:53

17 the Thar -- in the rifle that killed Jasmine Thar as we see 02:13:54

18 in the rifle of Charles Young that misfired or fired without 02:13:54

19 the trigger being pulled on the screen just a minute ago, 02:13:54

20 correct, sir? 02:13:54

21 MR. WILLS: Objection; argumentative; asked 02:14:03

22 and answered. Go ahead. 02:14:03

23 A. The photo you were showing is of a mixture of 02:14:08

24 graphite and Loctite, which was tested and proven not to 02:14:12

25 cause a fire when the safety is moved from safe to fire. 02:14:16

1 MR. CHAFFIN: Object to response to his 02:14:17
2 answer. 02:14:22

3 Q. (BY MR. CHAFFIN) The question was very simple. 02:14:24
4 The two photographs that show very similar conditions, 02:14:27
5 whether or not they caused a fire or not, I'm not asking you 02:14:30
6 that, but they show very similar conditions, don't they? 02:14:31

7 MR. WILLS: Object to the form. 02:14:36

8 A. The photo that you showed me shows graphite mixed 02:14:37
9 with Loctite absence of liquid Loctite. 02:14:41

10 Q. (BY MR. CHAFFIN) Both photographs show that, 02:14:41
11 right? 02:14:48

12 A. The Young fire control had no liquid Loctite 02:14:48
13 between the blocker and trigger. 02:14:52

14 The photograph that you were showing me does not 02:14:52
15 show the presence of liquid between the blocker and trigger. 02:14:52

16 Q. But the -- the Young rifle we saw it on the 02:15:00
17 screen, it fired without the trigger being pulled, right? 02:15:02

18 MR. WILLS: Object to the form; argumentative; 02:15:05
19 and asked and answered several times. 02:15:05

20 Q. (BY MR. CHAFFIN) It fired -- Young rifle -- the 02:15:10
21 Young rifle that we just saw the video, fired without the 02:15:12
22 trigger being pulled, correct? So what is your explanation 02:15:12
23 for that rifle firing without the trigger being pulled? 02:15:12

24 MR. WILLS: Objection; form of the question; 02:15:20
25 argumentative. Go ahead. 02:15:21

1 A. The conclusion of what caused the Young fire 02:15:24
2 control to discharge the rifle, when the safety was moved 02:15:29
3 from safe to fire, has to be further examined to determine 02:15:33
4 that current examination of all physical evidence. And 02:15:33
5 physical testing shows that it is not the same as what was 02:15:33
6 on the Otto rifle. 02:15:33

7 Q. (BY MR. CHAFFIN) You haven't answered the question 02:15:34
8 yet. What is your current explanation, if any, of why the 02:15:34
9 Young rifle fired without the trigger being pulled, do you 02:15:53
10 have one? 02:15:54

11 A. It would be speculation at this point in time. 02:15:57
12 Gonna do the testing. 02:15:59

13 Q. All right. Let's -- let's go on -- skipping 02:16:09
14 around here with your story now -- now, you have arrived -- 02:16:11
15 backing up a little bit -- sometime in April, around the 02:16:14
16 first of April, I don't know the exact date -- and you've 02:16:18
17 had meetings -- video meetings with Kollitides, who's the 02:16:21
18 president and CEO of the company, the chief lawyer, and the 02:16:22
19 chief engineer about the problem you have found, right? 02:16:23

20 What -- what do you do after you have those first 02:16:33
21 meetings, then what happens next? 02:16:33

22 A. The production was stopped and the exercise of 02:16:38
23 implementing a recall was undertaken. 02:16:46

24 Q. But, in the -- in the interim time, you did some 02:16:52
25 additional testing, didn't you, as to what to do to fix -- 02:16:53

1 A. From -- 02:16:57

2 Q. -- the problem and how to change the manufacturing 02:16:57
3 specifications? 02:16:59

4 A. No. No. I did not do any work with respect to 02:17:01
5 the changing of production until after the recall -- 02:17:08

6 Q. Okay. 02:17:13

7 A. -- is my recollection. 02:17:14

8 Q. All right. Well -- well, you have testified today 02:17:15
9 that the Loctite 660, when exposed to an oxygen atmosphere, 02:17:17
10 will not cure, right? 02:17:24

11 A. That's not what I said. It won't cure -- I mean, 02:17:28
12 it will cure in the presence of -- 02:17:30

13 Q. By cure we mean harden? 02:17:32

14 A. -- metal -- no. 02:17:33

15 Q. What -- what does cure mean, let's just -- let's 02:17:35
16 define it. 02:17:36

17 A. To cure is the physical state changing from a 02:17:37
18 liquid to a solid and adhesion between the metal components 02:17:40
19 that it's in -- in contact with. 02:17:43

20 Q. Okay. So you determined, as I understand it, in 02:17:49
21 that Loctite 660 will not cure if it's exposed to an oxygen 02:17:54
22 atmosphere without being sealed in a compartment, is that -- 02:18:00
23 have I got it right or wrong, you -- you tell me how -- how 02:18:10
24 you -- what -- 02:18:11

25 A. You got it wrong. I didn't determine that that 02:18:11

1 came -- that came from Loctite. 02:18:11

2 Q. Okay. Under what conditions -- under what 02:18:17
3 conditions do you need for Loctite 660 to -- to cure? 02:18:17

4 A. According to Loctite, for the curing process to 02:18:21
5 take place, you have to be in an anaerobic environment with 02:18:25
6 the presence of metal. 02:18:29

7 Q. What's an anaerobic environment? 02:18:30

8 A. No oxygen. 02:18:33

9 Q. Okay. So, in theory then, the way I hear you 02:18:34
10 saying that is, if -- if the Loctite is on the tip or 02:18:36
11 exposed into the blocker screw, then it will not cure, 02:18:41
12 right? 02:18:41

13 A. The -- if it's what we saw, if it's in the liquid 02:18:48
14 state, on the tip of the blocker, not mixed with graphite, 02:18:55
15 not mixed with other components, it stays in that as applied 02:18:58
16 liquid state. 02:18:59

17 Q. Well, how does the graphite get mixed with it? 02:19:05

18 A. The graphite is added to the fire controls when 02:19:08
19 the fire controls are put in the rifles and they're, I 02:19:10
20 think, doing the final set of trigger pull. 02:19:14

21 Q. Well, do -- do some rifles have graphite in the 02:19:17
22 Loctite and others do not have it? 02:19:18

23 A. The ones that don't -- the ones that have liquid 02:19:23
24 don't have graphite in that area. 02:19:25

25 Q. How did that happen? 02:19:28

1 A. Application. 02:19:30

2 Q. How do they put the graphite in there? 02:19:32

3 A. My understanding is is they have a dosing bottle 02:19:36

4 and they dose the graphite in certain portion on certain 02:19:39

5 parts of the fire control. 02:19:40

6 Q. Okay. Do you remember on what date it is that 02:19:47

7 you -- that production was stopped of the new X -- model 700 02:19:54

8 XMP rifles? 02:19:54

9 A. I believe it was April 9-ish. 02:20:03

10 Q. And what did you do next after that date? 02:20:14

11 A. Oh, I don't have a day by day blow of what I was 02:20:18

12 doing. There was a lot of work going on with testing, 02:20:22

13 characterization, the data will -- 02:20:30

14 Q. Without -- 02:20:31

15 A. -- or the test results will tell you what I was. 02:20:33

16 Q. Without giving us a blow by blow -- or excuse 02:20:36

17 me -- a date by date explanation, just take us through what 02:20:36

18 happened after that up until -- 02:20:36

19 A. The -- the recall process was initiated after the 02:20:46

20 production was halted. Well, actually, I think they -- the 02:20:53

21 production halt was part of the recall process. 02:20:56

22 So they stopped production and started with all 02:21:00

23 the legalities of how do you go through a recall, how do we 02:21:03

24 get this out to the public, how do we get this known. All 02:21:09

25 that -- all those activities were taking place, I think, on 02:21:13

1 and after April 9th, maybe, I'm not for sure. 02:21:21

2 Q. Okay. And did -- did you participate in the -- 02:21:28
3 the wording of the recall language? 02:21:31

4 A. I think it was shown to me. I didn't write it 02:21:37
5 or -- though. 02:21:40

6 Q. Who wrote it? 02:21:41

7 A. I don't know. 02:21:43

8 Q. Was it shown to you for approval or comment? 02:21:44

9 A. Probably comment, not approval, I didn't have any 02:21:48
10 type of rank to -- to approve or disapprove. 02:21:48

11 Q. And -- and the recall language says that under 02:21:49
12 certain circumstances, are you familiar with that language? 02:21:49

13 A. We can look at it. I don't know. 02:21:50

14 Q. I'm trying -- 02:21:52

15 A. I haven't seen that forever. 02:21:55

16 Q. I thought I had it in this file, let me get 02:22:11
17 another file. 02:22:15

18 MR. WILLS: Pull it up on-line. 02:22:16

19 MR. CHAFFIN: I'm sorry? 02:22:16

20 MR. WILLS: Pull it up on line. 02:22:16

21 Q. (BY MR. CHAFFIN) I got it here. Are -- are you 02:22:16
22 familiar with the language in the recall notice? 02:22:51

23 A. I -- it's been so long since I looked at it, I -- 02:22:54
24 I wouldn't be able to tell you what it said or didn't say. 02:22:57

25 Q. Man. Remington has determined that some model 700 02:22:58

1 and model 7 rifles with the XMP triggers could, under 02:23:33

2 certain circumstances, unintentionally discharge. 02:23:34

3 Did you participate in drafting that language? 02:23:39

4 A. I didn't draft it. May, may not have seen it 02:23:35

5 before it was issued. I don't remember. 02:23:50

6 Q. And -- and under what certain circumstances may a 02:23:53

7 XMP rifle unintentionally discharge, under what 02:23:56

8 circumstances? It says certain circumstances here. 02:23:56

9 A. The certain circumstances that were proven at that 02:24:05

10 point in time were the existence of liquid Loctite between 02:24:07

11 blocker screw and the trigger and temperatures be -- between 02:24:07

12 zero degrees and 30 degrees Fahrenheit, those -- tho -- 02:24:07

13 those were the conditions which we could make it happen. 02:24:07

14 Q. And, upon visual inspection of a fire control, can 02:24:26

15 you determine whether or not liquid Loctite is present in 02:24:30

16 the blocker? 02:24:34

17 A. I've been able to do it so far. 02:24:35

18 Q. Could you do it at the time of the recall? 02:24:35

19 A. Yeah. 02:24:40

20 Q. Could anybody, besides you, do it just by looking 02:24:40

21 at it under magnification? 02:24:41

22 A. Well, you -- you had -- you can't do it by naked 02:24:46

23 eye regardless, you have to have microscopes to do it so 02:24:47

24 that's prerequisite number 1. 02:24:47

25 Number 2, I believe Jim Ronkainen and Ryan 02:24:47

1 Hensерling could do it. 02:24:57

2 Q. So you're saying -- 02:25:01

3 A. But that would be -- that you'd have to -- I mean, 02:25:02

4 you'd have to ask them if they feel comfortable with that or 02:25:02

5 not. 02:25:02

6 Q. What percentage of the rifles manufactured between 02:25:11

7 2006 and April of 2014, contained a fire control with liquid 02:25:14

8 Loctite on the blocker? 02:25:14

9 A. Liquid Loctite between the blocker screw and the 02:25:25

10 trigger and the susceptibility to going off when soaked at 02:25:28

11 10 degrees Fahrenheit was estimated to be approximately 3 02:25:28

12 percent. 02:25:28

13 Q. What about if you raise the temperature to 30 02:25:39

14 degrees, then -- then what would be the difference? 02:25:39

15 A. Don't know. 02:25:43

16 Q. How did you get to the 3 percent number? 02:25:44

17 A. I examined returns with the complaint of fire on 02:25:48

18 safety release, no fault found. Going through those, I 02:25:56

19 found that 11 of them contained liquid Loctite between the 02:26:00

20 blocker and the trigger. 02:26:06

21 And then an estimate of how many were out there 02:26:09

22 versus how many are returned was done. That came out to be, 02:26:14

23 I believe, one and half percent and then we doubled it just 02:26:18

24 to be conservative. 02:26:22

25 Q. Can -- can you say that again. I'm not sure I 02:26:26

1 followed you. 02:26:29

2 A. The -- the numbers said one and a half percent. 02:26:30

3 Q. What numbers is that now? 02:26:34

4 A. The numbers that we used to calculate how many had 02:26:35

5 liquid. 02:26:36

6 Q. How'd you use that? What -- how'd you do that? 02:26:37

7 A. All right. Again, took fire controls that had 02:26:37

8 been returned with the complaint of fire on safety release 02:26:43

9 and no fault found. Did an examination of that population, 02:26:48

10 found that 11 of that population had liquid Loctite there, I 02:26:51

11 believe it was 11. And then -- 02:26:58

12 Q. Took the 11 out of the 71 shipped to you? 02:27:00

13 A. No. Oh, I don't remember how many were shipped to 02:27:03

14 me, but that was the population that I used. 02:27:06

15 Q. You examined the ones that were shipped to you, 02:27:08

16 right? 02:27:08

17 A. Yeah. That's what -- 02:27:10

18 Q. You earlier testified 71 were shipped to you? 02:27:10

19 A. I don't believe I testified that. I think that 02:27:10

20 was your testimony. My testimony was, let's look at the 02:27:10

21 data and let's see what it is. 02:27:17

22 MR. COONEY: Sixteen. 02:27:17

23 A. Okay. The thing is -- 02:27:17

24 Q. (BY MR. CHAFFIN) Anyway, 11 of them that you 02:27:17

25 examined that were shipped to you, that had been returned by 02:27:17

1	the customer with that complaint, were found to have liquid	02:27:24
2	Loctite?	02:27:24
3	A. Eleven of them were found to have liquid Loctite	02:27:30
4	and --	02:27:33
5	Q. And did you test all 11 of those?	02:27:33
6	A. No. Four of them and four for four failed at 10	02:27:35
7	degrees. So we then --	02:27:37
8	Q. Did -- did you test --	02:27:37
9	A. -- took the --	02:27:37
10	MR. WILLS: Let him answer the question,	02:27:37
11	please.	02:27:37
12	MR. CHAFFIN: I'm sorry.	02:27:42
13	Q. (BY MR. CHAFFIN) Just to -- just to cure, did --	02:27:37
14	did you test any of the others that didn't have the liquid	02:27:37
15	Loctite that had been returned to see if they would fail?	02:27:37
16	A. Yes. And they did not fail.	02:27:45
17	Q. Okay. Go ahead.	02:27:45
18	A. And so took the 11 out of the population that I	02:27:45
19	had examined -- don't know how big that population was --	02:27:57
20	then took the entire -- and then took that as a percentage	02:27:57
21	of the population that was out in the field that could have	02:27:58
22	had that call. That came out then to be one and a half	02:27:58
23	percent was the estimate of -- with liquid Loctite and then	02:27:58
24	we doubled that to be conservative and so we, I believe,	02:28:25
25	said it was 3 percent.	02:28:27

1 Q. So, if we use your 3 percent figure and a million 02:28:31
2 three rifles were manufactured in that time period, that 02:28:33
3 meant that Remington shipped out 39,000 rifles with the 02:28:33
4 potential to fire without the trigger being pulled, right? 02:28:33
5 A. That would be the estimate. 02:28:34
6 Q. So 39,000 consumers, according to Remington's own 02:28:48
7 calculation, received rifles where they would fire without 02:28:52
8 the trigger being pulled, right? 02:28:54
9 A. That would be the conservative estimate. 02:28:57
10 Q. Conservative estimate. And what would be the 02:29:00
11 liberal estimate, a hundred thousand? 02:29:00
12 A. No. One and a half percent. 02:29:04
13 MR. WILLS: You guys are on a different side 02:29:10
14 of conservative and liberal. 02:29:10
15 A. Conservative from a safety standpoint's my -- my 02:29:14
16 definition. 02:29:14
17 MR. WILLS: No. I know. I'm just making an 02:29:15
18 observation. 02:29:15
19 A. Oh. 02:29:27
20 Q. (BY MR. CHAFFIN) And -- and the -- the -- the 11 02:29:06
21 rifles that you found that you believe would definitely be 02:29:06
22 susceptible to firing without the trigger being pulled, 02:29:33
23 those 11 rifles had been tested by the Ilion Arm Service 02:29:33
24 Department and they found nothing wrong with them, right? 02:29:33
25 A. That would be -- they -- no fault found. 02:29:52

1 Q. When actually there was fault in the rifles that 02:29:53
2 were shipped to them, they found no fault in Ilion when they 02:29:53
3 were man -- when they were inspected, right? 02:29:53

4 A. Those rifles that we're talking about, minus the 02:30:06
5 Otto rifle, the coding was no fault found. 02:30:06

6 Q. Right. So, basically, we know at least in 11 02:29:53
7 rifles that were shipped back to the Arm Service Department, 02:30:06
8 the Arm Service Department did not find a fault with the 02:30:06
9 rifles when, in fact, fault existed, right? 02:30:06

10 A. The fault was proven to exist in four. 02:30:17

11 Q. Was is possible to inspect the rifles that were 02:30:38
12 returned into Remington upon recall and determine which of 02:30:42
13 them had fire controls that were susceptible to firing 02:30:43
14 without the trigger being pulled? 02:30:43

15 A. When? 02:30:51

16 Q. If you got a hundred rifles shipped back to you at 02:30:52
17 Remington, could you take a look at them and inspect them 02:30:54
18 and say, okay, could you pick out the 3 percent that would 02:30:54
19 fire without the trigger being pulled and -- and -- 02:30:54

20 A. When? 02:30:55

21 Q. At any point in time? 02:30:55

22 A. No. With the -- at the beginning, no, because 02:30:55
23 didn't know it was an issue. 02:30:55

24 Q. After you had made the determination that a recall 02:31:11
25 needed to be made, at that point in time you're telling me 02:31:14

1 that the estimate of your group was that 3 percent of the 02:31:18
2 rifles were defective, right? 02:31:21

3 A. Three percent was the conservative estimate of 02:31:24
4 rifles out of the field outfitted with X-Mark Pros that had 02:31:24
5 liquid existing between the blocker and trigger. 02:31:24

6 Q. Well, those rifles were all defective by 02:31:25
7 definition, right, sir? 02:31:25

8 MR. WILLS: Object to the form; calls for 02:31:25
9 legal conclusion. 02:31:37

10 A. The rifles with liquid Loctite between the blocker 02:31:41
11 and trigger had been proven to discharge when the safety was 02:31:44
12 moved from safe to fire after a 10-degree soak. 02:31:44

13 Q. (BY MR. CHAFFIN) Now, could you take a look at 02:31:53
14 those rifles -- or all rifles that were returned after you 02:31:53
15 had decided that Remington wanted to get them back and could 02:31:53
16 you visually inspect them, through magnification or 02:31:53
17 whatever, and tell which ones were subject to firing without 02:31:53
18 the trigger being pulled? 02:31:53

19 A. I believe, given the proper equipment, I could do 02:32:11
20 that. 02:32:17

21 Q. And, if you could do that, then why was it 02:32:18
22 necessary to change out the fire control in every rifle 02:32:20
23 manufactured during the period of 2006 through two thou -- 02:32:22
24 early 2014? 02:32:26

25 A. Because I'm one man. And you don't take chances, 02:32:31

1 if you're going train teams, you got a product out there 02:32:34
2 that needs to be repaired. You don't take chances. You 02:32:35
3 repair it. 02:32:40

4 Q. So -- so, if you find that there's a product -- 02:32:43
5 well, let me back up beyond that. Do -- does Remington have 02:32:50
6 a duty to reasonably investigate customer complaints to see 02:32:55
7 whether or not there is a -- a safety problem with the 02:32:58
8 product? 02:33:02

9 MR. WILLS: Object to the form of question; 02:33:03
10 calls for legal conclusion. You don't have to answer that. 02:33:04

11 MR. CHAFFIN: He does have to answer that. 02:33:10

12 MR. WILLS: That's a legal question, Bob. 02:33:10
13 It's not a -- 02:33:10

14 MR. CHAFFIN: Un -- unless it involves a 02:33:10
15 matter of privilege, he has to answer it. 02:33:10

16 MR. WILLS: No, he doesn't. 02:33:10

17 MR. CHAFFIN: Whether -- whether -- whether it 02:33:10
18 calls for a legal conclusion is something for the court to 02:33:10
19 determine. Whether I'm asking him an attorney/client thing 02:33:10
20 or attorney work product, you can object to. But unless 02:33:10
21 it's a matter of privilege, he has to answer it. Would you 02:33:10
22 read the question back to him, please. 02:33:10

23 THE REPORTER: You'll have to wait a minute. 02:33:10
24 Does Remin -- you don't know if Remington has a duty to 02:33:10
25 reasonably -- 02:33:10

1 MR. CHAFFIN: Okay. I'll -- I'll re -- I'll 02:33:10
2 reask the question. 02:33:10

3 Q. (BY MR. CHAFFIN) Does Remington have a duty to 02:33:07
4 reasonably investigate complaints by their customers that 02:33:10
5 the rifle will fire without the trigger being pulled? 02:33:10

6 A. I don't know what Remington's legal requirements 02:33:10
7 are or duty. 02:33:17

8 Q. I said reasonably. Does Remington reasonably, as 02:33:29
9 somebody who worked in the -- what do you call yourself, 02:33:29
10 Product Technology Division? 02:33:29

11 A. Director of Product Technology Integration. 02:34:51

12 Q. And you also supervised the Arm Services for a 02:34:53
13 while? 02:34:53

14 A. No. That's not true. 02:34:58

15 Q. Product Services? 02:34:58

16 A. I had two collars in product service that report 02:34:53
17 rec -- reported to me. 02:34:53

18 Q. Well, isn't it true that Remington has a duty to 02:36:38
19 investigate whether or not that customers have made a valid 02:36:38
20 complaint that the rifle will fire without the trigger being 02:36:38
21 pulled and to take action upon finding that that's a true -- 02:36:38
22 true and accurate complaint? 02:36:38

23 MR. WILLS: Object to the form of the 02:36:38
24 question; it's compound and calls for legal conclusion. 02:36:38
25 Over my objection, you may answer, if you can. 02:36:38

1 A. Given my lack of understanding of the question, 02:36:40
2 I'm not going to answer that. 02:36:40

3 Q. (BY MR. CHAFFIN) I'm sorry? 02:36:44

4 A. Given my lack of understanding of the question, I 02:36:44
5 can't answer that. 02:36:44

6 Q. Well, here, it's really pretty simple question. 02:36:48
7 If somebody ships you a rifle with a video and says, here, 02:36:48
8 this is a rifle I just bought, it's in factory specification 02:36:48
9 and, look, it fires without the trigger being pulled, 02:36:48
10 Remington has a duty to investigate that complaint, don't 02:36:48
11 they? 02:36:48

12 MR. WILLS: Same objection; go ahead. 02:36:44

13 A. I believe Remington, from a responsibility to its 02:36:57
14 customers, does have an -- does have the responsibility to 02:36:57
15 investigate root -- complaints about products and does 02:36:57
16 investigate those complaints about products. 02:36:57

17 Q. (BY MR. CHAFFIN) Well, actually, there was 02:36:57
18 absolutely no investigation done about the Breeze rifle in 02:36:57
19 2010 to substantiate how and why it did fire, was there? 02:36:57

20 MR. WILLS: Object to the form of the 02:36:57
21 question; misstates the evidence. 02:36:57

22 A. Yeah. I -- I you did -- yeah. That's not what 02:36:57
23 happened at all. 02:36:57

24 Q. (BY MR. CHAFFIN) Well, you just told me and the 02:36:57
25 jury that Remington did not have the ability in Ilion to 02:36:57

1 test the rifle at 10, 20 or 30 degrees Fahrenheit, they 02:36:57

2 didn't have that ability, did they? 02:36:57

3 A. My understanding is is the Arm Service group 02:36:57

4 didn't have the ability to exercise cold temperatures other 02:37:00

5 than negative 20 degrees Fahrenheit. 02:37:04

6 Q. But you had that ability in Kentucky, right? 02:37:07

7 A. The Elizabethtown R&D facility has a programmable 02:37:12

8 environmental chamber. 02:37:13

9 Q. All right. So, in 2010 Remington had, in-house, 02:37:14

10 in one group, the ability to properly investigate whether or 02:37:14

11 not and how the Breeze rifle had misfired or malfunctioned 02:37:14

12 and failed to do so correctly -- 02:37:21

13 MR. WILLS: Object to the form of question. 02:37:21

14 Q. (BY MR. CHAFFIN) -- correct, sir? 02:37:32

15 MR. WILLS: It's argumentative. 02:37:32

16 A. Whether they improperly or properly investigated 02:37:38

17 is a matter of argument. They were unsuccessful in 02:37:40

18 duplicating the failure mode. And since the product is not 02:37:40

19 available for examination, we do not know, one cannot 02:37:41

20 determine if there is the Loct -- liquid Loctite present in 02:37:41

21 that rifle's fire control. 02:37:41

22 Q. Did -- did you participate in the investigation 02:38:13

23 into changing the Loctite from 660 to 263, I believe it is? 02:38:13

24 A. I was up in Ilion and was part of the team in 02:38:23

25 getting the fix in place and the factory up and running and 02:38:27

1 the returned guns refitted. 02:38:32

2 Q. And why did Remington elect to change from Loctite 02:38:36
3 660 to Loctite 263? 02:38:41

4 A. Two sixty-three was a new Loctite that had been 02:38:45
5 introduced on the market two months earlier, and we were 02:38:47
6 exploring multiple avenues at once. And 263 was the one 02:38:51
7 that won out in the testing. 02:38:58

8 Q. Why did it win out? 02:39:01

9 A. It was a much lower viscosity Loctite that could 02:39:03
10 be dose dispensed and passed the tests that were thrown at 02:39:09
11 it and did the job without any excesses being in -- inside 02:39:18
12 or on any components of the fire control. 02:39:28

13 Q. Did you participate in any -- any of the 02:39:31
14 discussions on changes in manufacturing techniques? 02:39:31

15 A. Manufacturing techniques? 02:39:38

16 Q. Yes. 02:39:40

17 A. No. 02:39:41

18 Q. Did you have anything to do with -- with the 02:39:41
19 decision to change from rolling the blocker screw in Loctite 02:39:43
20 to just applying one drop to it? 02:39:49

21 A. I was part of the team that tested it. The -- one 02:39:54
22 second. 02:40:00

23 MR. WILLS: I would have gotten that for you. 02:40:04

24 THE WITNESS: It's all right. I need to 02:40:06
25 stretch my legs. 02:40:06

1 A. The -- I was part of the team that did the testing 02:40:12
2 of the two -- 263 Loctite. 02:40:15

3 Q. (BY MR. CHAFFIN) Well, did you have anything to do 02:40:21
4 with the decision to change the manner in which Loctite was 02:40:23
5 applied to the blocker screw and the engagement screw? 02:40:25

6 A. As part of the testing team, so by being part of 02:40:31
7 the testing team to help to prove out that the new 02:40:37
8 application method was a viable method. 02:40:41

9 Q. Was there ever any reason to roll the blocker 02:40:45
10 screw entirely in Loc -- in solvent instead of applying one 02:40:50
11 or two drops to it? Was it necessary at all to secure the 02:40:54
12 blocker screw properly to do it that way? 02:40:57

13 MR. WILLS: You mean on the 660, Bob? 02:41:02

14 MR. CHAFFIN: Yes. Yes. 02:41:03

15 A. I can't speak to historically or when they put it 02:41:09
16 into production. The only thing I can speak to is is that, 02:41:12
17 in our testing of the -- of the fix, we had difficulties 02:41:16
18 with the blocker screw not being retained properly with the 02:41:22
19 application techniques that we were using. 02:41:31

20 Q. (BY MR. CHAFFIN) At no point in time in the 02:41:36
21 manufacturing of the XMP fire control, was it necessary to 02:41:37
22 have Loctite applied to either the tip of the blocker screw 02:41:42
23 or the tip of the engagement screw, was it? It was not 02:41:45
24 necessary at all for the manufacturing process, was it? 02:41:45

25 A. I can't speak to that be -- because I wasn't part 02:41:45

1 of that development. 02:41:45

2 Q. That was always a sloppy manufacturing technique, 02:41:56

3 wasn't it, to just roll the screws around in excess glue or 02:41:58

4 excess sealant and then put them in the fire control, that 02:42:02

5 was a sloppy manufacturing technique, wasn't it? 02:42:02

6 MR. WILLS: Object to the form of the 02:42:02

7 question; it's argumentative; lacks foundation. Go ahead. 02:42:02

8 A. I am personally unaware of them rolling the screws 02:42:08

9 around in anything. 02:42:08

10 Q. (BY MR. CHAFFIN) Have you ever read the 02:42:17

11 manufacturing instructions? 02:42:17

12 A. I know about what we put in as a fix. 02:42:22

13 Q. Have you ever read the old manufacturing 02:42:27

14 instructions? 02:42:29

15 A. I don't know that I have. 02:42:32

16 Q. Do you know whether or not they call for rolling 02:42:34

17 it around fully? 02:42:36

18 A. I think my testimony proves that I don't. 02:42:38

19 Q. You don't know that. So that'd be a sloppy 02:42:40

20 manufacturing technique from what you know today, wouldn't 02:42:42

21 it? 02:42:43

22 MR. WILLS: Same objection; argumentative. 02:42:46

23 A. I don't know if the process that you're talking 02:42:43

24 about can be done without liquid Loctite ending up on the 02:42:51

25 end of the blocker screw -- 02:42:54

1 THE REPORTER: I'm sorry. Liquid? 02:42:54

2 A. I'm sorry. Without -- without liquid Loctite 02:43:06

3 ending up on the end of the blocker screw. That's it, 02:43:06

4 period. 02:43:06

5 Q. (BY MR. CHAFFIN) Isn't it a fact that the 02:42:55

6 technique of rolling the entire length of the blocker screw 02:42:55

7 thread in Loctite is a sloppy manufacturing technique? 02:43:27

8 MR. WILLS: Object to the form of the 02:43:31

9 question; it's been asked and answered; lack of foundation. 02:43:32

10 Go ahead. 02:43:37

11 A. Again, just as I previously stated, I'm unaware of 02:43:38

12 the particulars of that process so I don't know. 02:43:41

13 Q. (BY MR. CHAFFIN) In fact, you participated in the 02:43:44

14 change where you said not to to do that in the future, 02:43:53

15 didn't you? 02:43:59

16 A. I participated in the proving and disproving of 02:44:00

17 other thread fasteners and six -- 263 did pass our tests and 02:44:04

18 was proven to be a viable production option. 02:44:05

19 Q. Did 263 have a better curing cycle than 660? 02:44:16

20 A. The cycle time was the same as far as I understand 02:44:21

21 it. 02:44:25

22 Q. What was it about the 660 that caused it not to 02:44:25

23 cure when used in the manufacturing process from 2006 02:44:30

24 through 2013? 02:44:33

25 A. That's a complete overly broad statement. The -- 02:44:38

1 MR. WILLS: Fir -- first of all, I want to 02:44:43

2 object. You said 263, Bob, from six -- from 2006 until -- 02:44:43

3 MR. CHAFFIN: All right. I'm sorry. I 02:44:43

4 withdrawal that question. 02:44:43

5 MR. WILLS: -- present. I think you meant 02:44:43

6 660. 02:44:43

7 Q. (BY MR. CHAFFIN) Yes. What was it about the 02:44:43

8 Loctite 660 that caused it not to cure properly in the 02:44:54

9 manufacturing process that was in place from 2006 through 02:44:59

10 2013? 02:45:00

11 A. The 660 did cure properly and did do its job of 02:45:04

12 adhering or fastening the threads of the blocker screw and 02:45:11

13 the engagement screw, that, it did properly. 02:45:15

14 The liquid Loctite does not cure in the 02:45:19

15 environment in -- as per the previous testimony as explained 02:45:24

16 to us by Loctite. 02:45:30

17 Q. Did you have an -- an -- so, from the 02:45:37

18 investigation that -- that you did, what would you say the 02:46:01

19 problems that you found in the XMP fire control were that 02:46:08

20 needed to be fixed? 02:46:14

21 A. There was no singular investigation done by me. 02:46:19

22 Q. Well, from the studies or investigation, whatever 02:46:25

23 you want to call it, from the time that you were alerted to 02:46:28

24 the problem in 2014, what deficiencies did you exam or did 02:46:31

25 you determine needed a fix, including materials and 02:46:36

1 manufacturing, whatever? 02:46:41

2 A. I was part of a dedicated and responsive team that 02:46:44
3 investigated the X-Mark Pro fire control. 02:46:50

4 Q. Well, then let's broaden the question to what 02:46:55
5 fixes did the team identify and problems did the team 02:46:56
6 identify? 02:47:00

7 A. To eliminate the liquid Loctite and re -- and 02:47:01
8 maintain and retain the screws in question. The use of 263 02:47:07
9 Loctite was proven to provide the threadlocking force 02:47:13
10 required to maintain the screws through life and not produce 02:47:21
11 liquid Loctite between the blocker screw and the trigger. 02:47:28

12 Q. So would it be correct to summarize it that you 02:47:38
13 had two problems, you had excess Loctite present on the tip 02:47:41
14 of the blocker screw and the engagement screw and you also 02:47:49
15 had the wrong type of Loctite because it would not cure 02:47:52
16 properly, is -- 02:47:56

17 A. No. You -- 02:47:58

18 Q. -- that a correct summary? 02:47:58

19 A. No. Your -- your statement is improper. The -- 02:47:58
20 the Loctite 660 would cure in the threadlocking fashion it 02:47:59
21 was intended. 02:48:05

22 Q. But it would not cure if it was on the tip of the 02:48:08
23 screw, right? 02:48:10

24 A. And neither -- but it's -- that's the form of that 02:48:11
25 chemical reaction. 02:48:15

1 Q. Will the -- will the 263 cure on the tip of the 02:48:17
2 screw? 02:48:20

3 A. My understanding is if ever ends up there, it -- 02:48:20
4 it is governed by the exact same chemical reaction that is 02:48:20
5 in the 263, meaning, it requires an anaerobic environment 02:48:20
6 and it requires the presence of metal in that anaerobic 02:48:20
7 environment for it to cure. So, in that fashion, it is no 02:48:34
8 different than 660. 02:48:34

9 Q. And I notice in one of the studies here it says 02:48:41
10 the SEMEDS revealed the fire controls contain sulfur and 02:48:46
11 silicone on the surface of the bonding agent. What -- what 02:48:51
12 was the significance of that finding? 02:48:51

13 A. I don't know what -- what you're talking about. 02:48:57

14 Q. It's a study done, it's a -- I'm going to call it 02:49:01
15 a treatise, do -- do you know what you call this type of 02:49:07
16 study that you did there? 02:49:09

17 A. That's a thought map put together by Ryan 02:49:12
18 Henserling. 02:49:13

19 Q. Okay. So according to the thought map put 02:49:14
20 together by Ryan Henserling, did he share that with you his 02:49:14
21 thought map? 02:49:14

22 A. Yeah. 02:49:14

23 Q. He says an -- and his results, the testing 02:49:22
24 rebuild, the fire controls contain sulfur and silicone on 02:49:22
25 the surface of the bonding agent. Do you know what the 02:49:22

1 significance of that finding would be? 02:49:22

2 A. No. 02:49:34

3 Q. You don't know why he included that? 02:49:34

4 A. Dr. Henserling would be able to answer that 02:49:35

5 question. 02:49:39

6 Q. And he says -- what is DSC -- DSC results indicate 02:49:39

7 the Loctite 660 on the blocker set screw is uncured to 02:49:50

8 partially cured, depending on the fire control analyzed, do 02:49:52

9 you know what he means by that? 02:49:58

10 A. He's talking about the exposed portions of the -- 02:50:00

11 of the blocker screw and that the Loctite was remaining in a 02:50:02

12 liquid form, not curing up because it was not in an 02:50:09

13 anaerobic environment and metal. 02:50:14

14 Q. So, in your opinion, was the main problem that the 02:50:18

15 Loctite -- excuse me -- that the Loctite was applied to the 02:50:33

16 tip of the blocker screw and the engagement screw, was that 02:50:35

17 the main problem you found? 02:50:41

18 A. The reason for the recall, as I best understand 02:50:43

19 it, was the existence of liquid Loctite between the blocker 02:50:49

20 screw and the trigger that would promote the discharge of 02:50:55

21 the rifle when it was moved from safe to fire after a 02:51:00

22 10-degree Fahrenheit soak. 02:51:04

23 Q. Do you know Chuck Powell? 02:51:25

24 A. Yes. 02:51:42

25 Q. Consider him to be a truthful type guy? 02:51:43

1 A. We differ on opinions quite a bit but I've never 02:51:47
2 found that he would be guilty of perjury. 02:51:48

3 Q. And Mr. Powell has provided an affidavit in 02:51:48
4 another federal court action that says on July the 8th, 02:52:02
5 2014, he was at the -- the Remington factory and he 02:52:03
6 participated or -- or was invited to an explanation of the 02:52:08
7 problems with the XMP fire control. Were you also there on 02:52:08
8 July 8th, 2014? 02:52:19

9 A. Yes. 02:52:22

10 Q. And, in fact, you were the one that gave the 02:52:22
11 presentation, right, explaining to Mr. Powell and some other 02:52:24
12 lawyers that were there the problem with the XMP fire 02:52:27
13 control, right? 02:52:31

14 A. I took Mr. Powell's team on a tour of the 02:52:32
15 production process. 02:52:32

16 Q. Mr. Powell has filed an affidavit, it says -- this 02:52:49
17 is -- this is -- you -- you took him on a tour and you 02:52:49
18 made -- you made a talk to them, right? 02:52:49

19 A. I talked to them as part of the tour. It's kind 02:52:57
20 of hard to give a tour and not talk. 02:52:57

21 Q. And -- and you were the one doing all the talking, 02:53:01
22 right, nobody -- 02:53:02

23 A. No. Absolutely not. They would ask questions and 02:53:03
24 I would answer and -- and -- 02:53:04

25 Q. I understand. But, as far as Remington's 02:53:05

1 concerned, you were doing the talking, right? 02:53:05

2 A. No. We talked to workers on the line and, you 02:53:06

3 know, then we took them through all the different stations, 02:53:10

4 the -- the testing, the gallery. We gave them a full tour. 02:53:10

5 Q. Okay. In a presentation by Remington on July the 02:53:21

6 8th of 2014, it was explained that the blocker screw on the 02:53:23

7 XMP fire control was adjusted during original manufacturing 02:53:27

8 to provide correct engagement when pressing against the 02:53:28

9 trigger and then sealed in place with a cril -- clear 02:53:28

10 threadlocking compound, Loctite 660. Is that an accurate 02:53:28

11 statement? 02:53:28

12 A. No. Loctite 660's not clear, it's gray. 02:53:44

13 Q. During original assembly, Remington assembly 02:53:48

14 personnel applied the Loctite 660 in such a fashion that 02:53:48

15 excessive Loctite 660 remained within the fire control 02:53:48

16 housing and could leave a wet film on the trigger surface. 02:53:48

17 Did you make that statement? 02:53:48

18 A. That's not my language word for word, no. 02:54:08

19 Q. Does it accurately reflect what you said? 02:54:10

20 A. That's a matter of interpretation. What I did 02:54:15

21 say, was liquid Loctite between the blocker screw and the 02:54:15

22 trigger. 02:54:15

23 Q. Did you say that excessive Loctite 660 remained 02:54:24

24 within the fire control housing, did you say that? 02:54:28

25 A. I don't remember if I said that exactly, if -- if 02:54:32

1 it was excess, it would be in the form of a liquid that 02:54:34
2 would cause an issue. 02:54:36

3 Q. I'm not asking about liquid. But did you make the 02:54:38
4 statement that excessive Loctite 660 remained within the 02:54:38
5 fire control housing and could leave a wet film on the 02:54:38
6 trigger surface? 02:54:48

7 A. To my recollection, all my statements were with 02:54:50
8 respect to liquid Loctite. 02:54:51

9 Q. Did you say that in certain low temperature 02:54:56
10 conditions within the operating range for the rifle, the 02:54:58
11 blocker screw could stick to the trigger when the safety 02:54:59
12 lever was placed in the safe position? 02:54:59

13 A. I did say that if you had liquid Loctite between 02:55:09
14 the blocker and trigger and if you were at the temperatures, 02:55:12
15 I think, between zero and 30 degrees is what I said, and you 02:55:15
16 had soaked there, and you flipped it from safe to fire, the 02:55:15
17 rifle could be induced to fire if all those conditions were 02:55:15
18 met. 02:55:15

19 Q. Did you ever make the statement that the blocker 02:55:30
20 screw could stick to the trigger? 02:55:31

21 A. It would only been in the context of liquid 02:55:35
22 Loctite being there, the temperature -- then being in 02:55:39
23 contact, the temperature being lowered, and the resulting 02:55:42
24 viscosity causing the trigger to be pulled. 02:55:43

25 MR. WILLS: Bob, he's trying to hand you 02:55:55

1 something. 02:55:55

2 MR. CHAFFIN: I'm sorry. 02:55:44

3 THE VIDEOGRAPHER: You're covering your mic up 02:56:00

4 with your -- 02:56:00

5 MR. CHAFFIN: I'm sorry. Okay. 02:56:03

6 Q. (BY MR. CHAFFIN) Did you ever make the statement 02:56:00

7 that the excessive poly -- polymer material within the fire 02:56:10

8 control housing could result in other interferences that 02:56:10

9 could effect fire control performance or engagement? 02:56:18

10 A. I don't know what polymer you're talking about. 02:56:23

11 Q. Polymer material would be the se -- the sealant, 02:56:26

12 right? 02:56:27

13 A. The -- again, the -- I don't characterize the 660 02:56:30

14 as a polymer and nor do I call -- characterize the 660 as a 02:56:33

15 sealant. 02:56:33

16 Q. What do you characterize it as? 02:56:46

17 A. Well, we've been through this, as a threadlocker. 02:56:49

18 Q. Could excess 660, within the fire control housing, 02:56:51

19 result in interferences that could effect fire control 02:56:57

20 performance or engagement other interferences? 02:57:00

21 A. If you had sufficient 660 on the engagement screw 02:57:13

22 and then you got debris between the engagement screw and the 02:57:20

23 back of the trigger, you -- in that condition, you could 02:57:27

24 reduce engagement. 02:57:31

25 Q. You could what? 02:57:32

1 A. You could reduce engagement. 02:57:34

2 Q. So, when you -- you examined all of these fire 02:57:39

3 controls we talk about -- let's -- let's pull this up 02:57:46

4 here -- you -- you also examined the engagement screw for 02:57:50

5 excess Loctite, is that correct? 02:57:59

6 A. That's correct. 02:58:01

7 Q. And -- and did you find excess Loctite on some of 02:58:01

8 the engagement screws? 02:58:04

9 A. Yes. 02:58:05

10 Q. And that the excess Loctite on the engagement 02:58:06

11 screws, was it uncured or cured? 02:58:06

12 A. The Loctite that I saw was always mixed with 02:58:10

13 graphite because that was where the graphite was introduced 02:58:15

14 into the fire control, so it would be in a mixture of 02:58:15

15 graphite and Loctite. 02:58:15

16 Q. Does that mean it's cured or uncured or can you 02:58:23

17 tell? 02:58:26

18 A. It means that the Loctite is mixed with the 02:58:27

19 graphite and that the Loctite is oc -- is occupied by the 02:58:29

20 graphite or tied up I guess is the proper term. 02:58:34

21 Q. Okay. Let me see, pull up my -- 02:58:41

22 MR. WILLS: Bob, I'm going to take a break and 02:58:47

23 go to the bathroom. 02:58:47

24 MR. CHAFFIN: Take a break. Okay. 02:58:49

25 THE WITNESS: Yeah, me too, as well. 02:58:48

1	THE VIDEOGRAPHER: Going off the record.	02:58:53
2	* * * * *	03:03:22
3	(Break taken.)	03:03:22
4	* * * * *	03:03:32
5	THE VIDEOGRAPHER: We're on the record.	03:03:41
6	Q. (BY MR. CHAFFIN) Mr. Watkins, we're going to be	03:03:46
7	looking now at some photographs that are part of McNeil	03:03:46
8	Exhibit 1198. Can you tell me what you're looking at in	03:03:51
9	this photograph?	03:03:59
10	A. The monitor just went off.	03:04:03
11	CAMERAMAN: Oh, I'm sorry. I thought I turned	03:04:05
12	it on.	03:04:05
13	Q. (BY MR. CHAFFIN) Can you tell us what you're	03:04:05
14	looking at?	03:04:14
15	A. It's still not up yet, give it a second.	03:04:15
16	Q. Can you see it over there?	03:04:15
17	MR. WILLS: There you go.	03:04:15
18	A. There we go.	03:04:20
19	Q. (BY MR. CHAFFIN) If you look at -- can you tell us	03:04:21
20	what you're looking at or --	03:04:21
21	A. That's the back of a trigger and an engagement	03:04:21
22	screw.	03:04:23
23	Q. And is the engagement screw you're looking at	03:04:24
24	right here, does it contain excess Loctite?	03:04:24
25	A. It's got a lot of graphite on it. I believe it	03:04:28

1 there's a -- yeah, that's a mixture of graphite and -- and 03:04:35

2 Loctite. 03:04:38

3 Q. And -- and what you see right here in the 03:04:38

4 engagement screw, is that this engagement screw has been 03:04:39

5 attached to the trigger at one point in time, right? 03:04:39

6 A. No. That is -- you -- you keep pushing that and I 03:04:45

7 keep telling you, no. The existence of graphite mixed with 03:04:46

8 Loctite does not mean it was attached. 03:04:47

9 Q. Well, when you examined each of these triggers, 03:04:55

10 you made particular reference to photograph and document the 03:04:57

11 condition of the engagement screw as well, right? 03:05:01

12 A. Absolutely. 03:05:04

13 Q. The engag -- the engagement screw contacts the 03:05:05

14 rear of the trigger, right? 03:05:05

15 A. Engagement screw engages the rear of the trigger, 03:05:09

16 that's correct. 03:05:12

17 Q. And -- and when you've -- when you examined each 03:05:14

18 of the rifles that you examined, do you photograph the 03:05:15

19 engagement screw, right, sir? 03:05:17

20 A. I just said that. 03:05:20

21 Q. You did, right? 03:05:21

22 A. I just -- I -- when I was examining these fire 03:05:21

23 controls, I was -- I was also taking pictures, as evidenced 03:05:25

24 by the picture that we're looking at -- 03:05:29

25 Q. Did you find -- 03:05:30

1 A. -- of the engagement screw and the -- and the back 03:05:30
2 of the trigger. 03:05:30

3 Q. Did you find any of the condition of any of the 03:05:33
4 engagement screws, which, in your opinion, contributed to 03:05:35
5 the problem with the rifle firing without pulling the 03:05:35
6 trigger? 03:05:35

7 A. Did not see any direct evidence of that causing 03:05:44
8 the failure mode of firing when the safety was moved from 03:05:49
9 safe to fire, didn't see any direct evidence of that. 03:05:55

10 Q. It's hard to see direct evidence of that in that 03:05:59
11 particular configuration inside the housing, isn't it? Did 03:05:59
12 you -- 03:05:59

13 A. That's the reason we x-ray them. 03:06:01

14 Q. Did you x-ray all of them? 03:06:01

15 A. No. 03:06:01

16 Q. All right. So do you agree with me that what 03:06:10
17 you're seeing here is an engagement screw that would be 03:06:15
18 considered unacceptable in today's manufacturing terms? 03:06:17

19 A. That would be rejected through today's 03:06:22
20 manufacturing process. 03:06:24

21 Q. And, in fact, the whole time that the guns have 03:06:25
22 been manufactured there's never been any reason to have 03:06:27
23 Loctite compound on this particular area, being the outside 03:06:30
24 of the engagement screw whatsoever, has there, never been 03:06:34
25 necessary as part of the manufacturing process, has it? 03:06:34

1	A. The presence of Loctite on the external surfaces	03:06:42
2	of the engagement screw is not essential for its proper	03:06:47
3	function.	03:06:47

4 Q. Well, it's not necessary, right? 03:06:53

5	A. The existence of Loctite on the external surfaces	03:06:55
6	of the engagement screw is not essential for its proper	03:06:58
7	function.	03:06:59

8	Q. What we're looking at here is another prime	03:07:00
9	example of a sloppy manufacturing technique, isn't it?	03:07:00

10	MR. WILLS: Object to the form of the	03:07:09
11	question; argumentative.	03:07:09

12 Q. (BY MR. CHAFFIN) It's a sloppy manufacturing 03:07:14

13 technique, isn't it, sir? 03:07:15

14 MR. WILLS: Same objection. You can answer 03:07:16

15 over my objections again. 03:07:16

16 A. It does not meet the manufacturing technique that 03:07:23
17 we relaunched the fire control with. At that point in time, 03:07:25
18 they did not have any evidence that that would cause a 03:07:25
19 problem. 03:07:25

20 Q. (BY MR. CHAFFIN) But, as part of the 03:07:26

21 specifications of the drawings, it was never specified that 03:07:34

22 you should slop -- just slop the Loctite on the end of the 03:07:34

23 screw and leave it there, was it? 03:07:34

24 A. There's no evidence that it was ever slopped on 03:07:42

25 anything, whatever your definition of slop is. 03:07:42

1 Q. Well, they roll the entire screw from the top to 03:07:42
2 bottom in Loctite, that means you just slop it all over 03:07:42
3 there, right? 03:07:42

4 A. You have yet to show me any documentation that 03:07:53
5 says that they roll it on. And I disagree with your 03:07:54
6 characterization of slop. 03:07:54

7 Q. Roll the entire length of the thread in Loctite, 03:08:03
8 what does that mean? 03:08:39

9 A. I'd be glad to look at the document and see the 03:08:41
10 context which it's in. 03:08:41

11 Q. That's the context. 03:08:42

12 A. You -- you're not telling me the entire page or 03:08:42
13 what screw they're talking about. I'm not -- 03:08:43

14 MR. WILLS: Can he see what your -- witness 03:08:43
15 see what you're referring to? 03:08:43

16 A. Yeah. 03:08:43

17 Q. (BY MR. CHAFFIN) That's what we're talking about 03:08:46
18 for the manufacturing for the -- for the engagement screw 03:08:46
19 and the blocker screw. I'll read it to you. 03:08:46

20 MR. WILLS: Could you show it to him. 03:08:52

21 A. I would like to read it myself. 03:08:47

22 Q. (BY MR. CHAFFIN) You know what, let's -- let's -- 03:09:05
23 let me show you this one. This is going to be -- change 03:09:05
24 this document for you, please, sir. 03:09:05

25 This is McNeil Number 970, let the record reflect. 03:09:05

1 I'm reading in it -- we're looking now at the trigger 03:09:05
2 engagement screw on the screen before, right. And it says 03:09:05
3 here, roll entire length of thread in Loctite. See if I 03:09:05
4 read that correctly? 03:09:05
5 A. Note that the other document had other verbiage 03:09:46
6 below so I don't know if this is the complete context of the 03:09:48
7 actual document. 03:09:48
8 The sentence says, note, entire length of thread 03:10:13
9 in Loctite 660 to ensure full application. 03:10:13
10 Q. All right. And to roll the entire length of it, 03:09:49
11 that would be this part here, too, right, that we're looking 03:09:49
12 at, that's part of the entire length of the screw, isn't it? 03:09:49
13 A. That's correct. 03:10:13
14 Q. And now you have just testified that it's 03:10:13
15 unnecessary whatsoever to have the Loctite there, right, 03:10:15
16 sir? 03:10:18
17 A. The rolling of the thread and rolling of that 03:10:19
18 screw in that Loctite, as said, and then screwed into the 03:10:19
19 housing will not produce what's on the screen. 03:10:19
20 Q. What's on the screen, what produced that? 03:10:32
21 A. What's on the screen is is you've got Loctite on 03:10:35
22 the threads, which would have been stripped from the excess 03:10:37
23 standpoint as the Loc -- if it was done per the process you 03:10:44
24 showed me as that screw was set into the spacer block. So 03:10:44
25 that was not manufactured per the process that you showed 03:10:44

1 me, if that is in -- in its entirety. 03:10:44

2 Q. And have -- have you looked at the engagement 03:11:11

3 screw photographs from the McNeil rifle or the Thar rifle? 03:11:11

4 A. Yes. 03:11:20

5 Q. And isn't it true that those -- that engagement 03:11:20

6 screw also -- that's the one that killed the little girl -- 03:11:21

7 that engagement screw contains excessive Loctite on the 03:11:21

8 threads, doesn't it? 03:11:24

9 MR. WILLS: Object to the form of the 03:11:36

10 question; foundation; argumentative. 03:11:36

11 A. Saw no existence of liquid Loctite on the 03:11:24

12 engagement screw to suggest that there was ever an abundance 03:11:40

13 of liquid Loctite back there. Examination of that screw 03:11:48

14 showed actually very little Loctite at all on there. 03:11:50

15 Q. (BY MR. CHAFFIN) Well, we'll just -- I'll mark 03:11:57

16 this one as we got extra copy of it at least. I hope I do. 03:11:59

17 MR. CHAFFIN: What's our next one now? 03:12:04

18 THE REPORTER: I think it's 11. 03:12:04

19 MR. WILLS: Could I have a copy of it, please? 03:12:04

20 MR. CHAFFIN: You think it's 11 or 10. 03:12:04

21 THE REPORTER: Ten. 03:12:04

22 MR. CHAFFIN: All right. 03:12:04

23 * * * * * 03:12:12

24 (Whereupon, a document was marked Exhibit No. 10.) 03:12:12

25 * * * * * 03:12:09

1	Q. (BY MR. CHAFFIN) This is a page of photographs of	03:12:10
2	the engagement screw from the --	03:12:10
3	MR. WILLS: I know. But I don't -- you don't	03:12:10
4	a copy for me?	03:12:10
5	MR. CHAFFIN: Yeah. I will. I'll get you one	03:12:10
6	in a minute.	03:12:10
7	MR. WILLS: I'd like to see it before you ask	03:12:13
8	any questions about it. Thank you, Bob.	03:12:13
9	Q. (BY MR. CHAFFIN) As you're looking at --	03:12:16
10	MR. CHAFFIN: Change over. Okay. Well, it's	03:12:10
11	not on the screen.	03:12:10
12	MR. COONEY: There -- there it is.	03:12:16
13	A. Wow, that's --	03:12:16
14	MR. CHAFFIN: Okay.	03:12:16
15	MR. WILLS: Back out on it.	03:12:16
16	A. Wow.	03:12:16
17	Q. (BY MR. CHAFFIN) If we look at these engagement	03:12:10
18	screws, they really don't show up very well on this machine.	03:12:10
19	Let's see if we can get the camera in on these. Put it on	03:13:20
20	the screen like this.	03:13:20
21	If you look at the engagement screw -- can you	03:13:22
22	zoom in more --	03:13:22
23	THE VIDEOGRAPHER: No.	03:13:22
24	Q. (BY MR. CHAFFIN) -- found on both in the gun that	03:13:20
25	killed the little Thar girl, you can see here that there's	03:13:20

1 Loctite on the tip of this screw, right, and there's Loctite 03:13:20
2 on the edge of it, as well, right, sir, just like you do in 03:13:20
3 the other photograph. You see that Loctite on there, don't 03:13:41
4 you? 03:13:41

5 MR. WILLS: Object to the form of the com -- 03:13:44
6 question; compound; argumentative. 03:13:44

7 A. And I would prefer to have the picture in my 03:13:47
8 hands. What I see is bare metal on the tip of the screw 03:13:49
9 indicating no presence of liquid. The other photos show 03:13:57
10 that the screw, as far as the threads, are very clean. You 03:13:57
11 can see the metal, there is -- not on the threads, not on 03:14:02
12 the sides, not on the tip. 03:14:22

13 There is one small portion on the corner that 03:14:24
14 appears to be a mixture of graphite in liquid, nothing 03:14:29
15 similar to the photo that you had on the screen earlier. 03:14:33

16 MR. CHAFFIN: Let's -- let's put the other 03:14:33
17 clip in there, the one message and four. 03:14:56

18 CAMERAMAN: Video clip? 03:15:00

19 MR. CHAFFIN: Yes. This -- no, this one. The 03:15:02
20 other thumb drive. 03:15:02

21 CAMERAMAN: Oh, I put it -- that's this on 03:15:02
22 here. 03:15:02

23 MR. CHAFFIN: Okay. Let's go up here. This 03:15:01
24 one right here. Now, let's start with number 1 there. 03:15:14

25 CAMERAMAN: This one? 03:15:21

1 Q. (BY MR. CHAFFIN) Now, we're -- we're looking 03:15:31
2 here -- 03:15:31
3 MR. CHAFFIN: Let's skip to the original 03:15:31
4 exhibit for a minute here, Mr. Cameraman. Let's use this 03:15:35
5 one for a minute. 03:15:36
6 CAMERAMAN: Okay. 03:15:36
7 Q. (BY MR. CHAFFIN) We're going to see some videos 03:15:36
8 now where the camera that we're looking in is going to be 03:15:36
9 looking right in this hole here, right -- Mr. Watkins, is 03:15:45
10 when you did the videos of the blocker and engagement screw? 03:15:45
11 A. The video shows the whole side of the fire 03:15:45
12 control. 03:15:45
13 Q. Well, we're going to be focusing on the area right 03:15:45
14 here where the blocker tip touches this trigger, right? 03:15:45
15 A. I don't know what you're going to do. 03:15:45
16 Q. All right. Well, that's -- that's what it's going 03:16:04
17 to be. I just want the jury to be -- have the idea of the 03:16:04
18 area that we're looking at, what we're doing, so that's what 03:16:04
19 we're doing right now. 03:16:04
20 Can you tell us what we're looking at there? 03:16:04
21 A. You're looking at the side of a trigger -- 03:16:25
22 Q. In this area right here -- 03:16:27
23 A. -- housing. 03:16:27
24 Q. -- is what we just showed them on the camera, 03:16:28
25 right, there's your trigger blocker, right, screw and 03:16:28

1 there's your trigger, right, sir? 03:16:28

2 A. That's the area of the trigger, trigger blocker, 03:16:29

3 and trigger blocker screw. 03:16:29

4 Q. And this up here is -- is where the sear and the 03:16:29

5 trigger engage, right? 03:16:29

6 A. Sear to trigger engagement is in that -- 03:16:44

7 Q. And when this -- 03:16:46

8 A. -- these circles. 03:16:46

9 Q. And when this device -- 03:16:46

10 MR. CHAFFIN: Excuse me. Put -- back that up. 03:16:46

11 Okay. 03:16:46

12 Q. (BY MR. CHAFFIN) And, at this point in time, the 03:16:47

13 safety is on, right? 03:16:54

14 A. Yes. 03:16:57

15 Q. So it's in a safe position and it works right, the 03:16:58

16 top piece here, the sear is going to fall down and set on 03:17:02

17 top of the trigger, right? 03:17:07

18 A. The sear is displaced downward by the firing pin 03:17:08

19 head, placing the sear directly on top of the trigger. 03:17:08

20 Q. And it'll sit -- these will sit together then, 03:17:12

21 right, under correct operation? 03:17:12

22 A. Without a trigger pull and flipping it from safe 03:17:12

23 to fire, the safety will sit on top of the trigger. 03:17:12

24 Q. Okay. And, in theory, the trigger should not move 03:17:09

25 at all when this happens, right? The trigger being this 03:17:24

1 piece right here. 03:17:24

2 A. Trigger should remain underneath the sear. 03:17:29

3 Q. Okay. So let's watch this one and see if it works 03:17:37

4 correctly. This is the Otto rifle. 03:17:38

5 MR. CHAFFIN: This one, just run it. 03:17:58

6 A. Is it playing? 03:17:45

7 CAMERAMAN: Yeah. It's running. 03:17:58

8 Q. (BY MR. CHAFFIN) It's going slow and you'll see 03:17:58

9 now, there -- there it goes. So now this -- this trigger -- 03:17:58

10 the safety has been moved. 03:17:58

11 MR. CHAFFIN: Now, can you stop it. 03:17:59

12 CAMERAMAN: Got to get it back to four, 03:17:59

13 please. 03:17:59

14 MR. CHAFFIN: Stop it. 03:17:59

15 Q. (BY MR. CHAFFIN) Okay. So the safety has -- has 03:17:59

16 now been moved to the off position, right, correct, sir? 03:17:59

17 A. The safety is in the fire -- 03:17:59

18 Q. Is it in the fire -- 03:17:59

19 A. -- position. 03:17:59

20 Q. And here you see the sear is sitting on top of the 03:17:59

21 trigger, right? 03:17:59

22 A. That is correct. 03:18:08

23 Q. And the trigger hasn't moved, has it? 03:18:09

24 A. It doesn't appear to be. 03:18:37

25 Q. So it appears as if the rifle has functioned 03:18:37

1 properly in this video, right? 03:18:37

2 A. It appears so. 03:18:37

3 Q. Okay. 03:18:44

4 MR. CHAFFIN: Let's go ahead. Let's go to the 03:18:44

5 next one, then. Wait, let me just -- now, let's -- let's go 03:18:44

6 number -- let's do this one. Let's do this one. 03:18:44

7 Q. (BY MR. CHAFFIN) I'm going to try -- this -- this 03:18:44

8 involves your same rifle. 03:18:44

9 MR. COONEY: The Otto rifle? 03:18:44

10 MR. CHAFFIN: The Otto rifle. 03:18:44

11 A. Well, the one you just showed doesn't have the 03:19:05

12 Otto serial number. 03:19:05

13 Q. (BY MR. CHAFFIN) It does on the original tape. 03:19:06

14 A. Did he change the name of the file? 03:19:06

15 Q. No. I guess this is what copied onto it. But I 03:19:09

16 can -- I can go back to the file name, if you want it. 03:19:09

17 A. Well -- 03:19:18

18 Q. Let's go back into the original. There's the 03:19:06

19 original. Can you see all the serial numbers on there? 03:19:06

20 This is from, I believe, 11 -- this is from McNeil Exhibit 03:19:06

21 1200. 03:19:06

22 A. Which one did you just play -- 03:19:22

23 Q. Number 1. 03:19:22

24 A. -- for the first one you played. That's not the 03:19:22

25 Otto serial number. 03:19:22

1 Q. Forty-three. Excuse me. You're right. That's a 03:19:22
2 83, so that's not Otto. The next one is going to be the 03:19:22
3 Otto serial number, number 13. It's one, two, three -- 03:19:47
4 A. It's straining my eyes. 03:19:47
5 MR. WILLS: It was six -- 03:19:47
6 Q. (BY MR. CHAFFIN) There's three different rifles 03:19:47
7 here. 03:19:47
8 MR. WILLS: Bob, just clarify something. 03:19:47
9 Derek, were the last three serial numbers of Otto, 613, that 03:19:47
10 you're -- 03:19:47
11 A. I -- I believe they were 613. We can check but I 03:19:47
12 believe they were. 03:19:47
13 Q. (BY MR. CHAFFIN) Well, we can show -- let's do 03:20:01
14 this one. 03:20:01
15 CAMERAMAN: All right. 03:20:01
16 Q. (BY MR. CHAFFIN) This will be the Otto rifle here 03:20:01
17 and you can -- 03:20:01
18 CAMERAMAN: Want me to go back and look for 03:20:01
19 stuff? 03:20:01
20 MR. CHAFFIN: That's okay. You can -- now 03:20:04
21 it's -- you need to back it up here. 03:20:04
22 Q. (BY MR. CHAFFIN) Boom. Can you see what happened? 03:20:01
23 Let's back it up again. Now, on this one, you see here that 03:20:01
24 the rifle has fired this time when the trigger -- when the 03:20:01
25 safety was released, right? 03:20:01

1	A. Correct.	03:20:05
2	Q. And the trigger has moved, right?	03:20:06
3	A. That's correct.	03:20:07
4	Q. And that's because the blocker has pulled it	03:20:07
5	forward, right?	03:20:07
6	A. The liquid Loctite between the blocker and trigger	03:20:49
7	was reduced in temperature such -- and soaked for long	03:20:49
8	enough such that the viscosity allowed the blocker to pull	03:20:49
9	the trigger forward.	03:20:49
10	Q. Okay.	03:20:50
11	MR. CHAFFIN: Let's go back to the other one.	03:20:50
12	Go back. This one -- it's this one here. Let's see, Tom,	03:20:50
13	can you start it over again. It's hard to do these.	03:20:50
14	Q. (BY MR. CHAFFIN) Now -- now this is a different	03:20:50
15	serial number but it does the same thing, right, the trigger	03:20:50
16	moves, right?	03:20:50
17	A. I -- I'm sorry. Can you --	03:21:38
18	Q. Start over.	03:20:50
19	A. -- please play it again, it's -- we're jumping	03:20:50
20	around a lot.	03:20:50
21	MR. CHAFFIN: Stop it when I say to, okay,	03:20:50
22	when you get -- okay.	03:20:50
23	Q. (BY MR. CHAFFIN) Now, it's, boom, right there.	03:21:52
24	Did you see that, in this area here?	03:21:54
25	A. Can -- can you do it one more time, please.	03:21:58

1 MR. CHAFFIN: Yeah. Let's watch this area. 03:22:04

2 Do it one more time. Rewind it then I'll tell you -- see if 03:22:04

3 you can stop it right now. That was too late. Now hit it 03:22:04

4 one more time. Try to stop it when this thing starts to 03:22:04

5 fall, you'll see it. Too late. Can you get it on here if 03:22:04

6 you try again. It's just too quick. Do it right before it 03:22:04

7 falls, right now. Okay. 03:22:04

8 Q. (BY MR. CHAFFIN) It's hard to catch it on the film 03:22:04

9 here but -- 03:22:04

10 A. You -- okay. 03:22:04

11 Q. Again, the same thing is happening here, right? 03:22:53

12 A. This is showing that at a reduced temperature, 03:22:53

13 liquid Loctite between the blocker screw and the trigger is 03:22:54

14 reached a viscosity such that it can pull the trigger 03:23:01

15 forward when it's moved from safe to fire. 03:23:01

16 Q. Okay. 03:23:08

17 MR. CHAFFIN: Let's go back to the original 03:23:09

18 slide. 03:23:09

19 MR. WILLS: What number was that, Bob, just 03:23:10

20 for the record, in terms of serial number on that gun we're 03:23:10

21 looking at. 03:23:11

22 MR. CHAFFIN: The serial number on that gun is 03:23:11

23 four -- 744. 03:23:11

24 MR. WILLS: Okay. Thanks. 03:23:18

25 CAMERAMAN: This one right here? 03:23:19

1 MR. CHAFFIN: Let me see. Let's see this one. 03:23:20

2 Q. (BY MR. CHAFFIN) Now -- now, do you see this one 03:23:36

3 right here, if you go to the area right up here, 03:23:36

4 Mr. Watkins, and each time that the trigger moves, does it 03:23:36

5 always move the same spot or do you get occasions here where 03:23:36

6 the engagement of the sear and the trigger can vary with the 03:23:36

7 movement of the trigger there? 03:23:37

8 A. The regain should pull it back to full engagement 03:23:58

9 if there is movement per displacement. 03:24:02

10 Q. But this fire -- as you see, this fire control 03:24:03

11 here, that's not full engagement, is it? 03:24:06

12 A. I don't know, we'll have to back it up and see 03:24:12

13 where it was before. 03:24:12

14 CAMERAMAN: I'll start over. 03:24:12

15 MR. WILLS: What number was this, did you see? 03:24:23

16 MR. COONEY: The same. 03:24:23

17 MR. WILLS: Same number? 03:24:23

18 Q. (BY MR. CHAFFIN) Can you tell? 03:24:06

19 A. It's gone. Can you step frame by frame, do you 03:24:26

20 have that ability? 03:24:30

21 CAMERAMAN: No. 03:24:33

22 THE WITNESS: Got all the parts? 03:24:34

23 MR. WILLS: Yeah. 03:24:53

24 MR. COONEY: You got the spring? 03:24:53

25 MR. WILLS: Yeah. 03:24:53

1	MR. CHAFFIN: Okay. That's enough of that	03:24:54
2	one.	03:24:59
3	THE WITNESS: What -- can you write down that	03:24:59
4	for me?	03:24:59
5	MR. WILLS: That was 744.	03:25:08
6	MR. CHAFFIN: It's all part of the --	03:25:10
7	THE WITNESS: 744?	03:25:11
8	MR. CHAFFIN: -- McNeil 1200.	03:25:12
9	MR. WILLS: The first one on that -- that	03:25:15
10	list.	03:25:15
11	THE WITNESS: It is. Okay.	03:25:15
12	Q. (BY MR. CHAFFIN) All right. Tell us about your	03:25:17
13	involvement with the William Edge case.	03:25:25
14	A. Was informed that there was a potential lawsuit	03:25:27
15	against Remington with respect to a X-Mark Pro discharging.	03:25:47
16	Q. Who informed you?	03:25:53
17	A. I don't remember if it was -- I don't remember who	03:25:56
18	it was.	03:26:01
19	Q. Okay. Keep going.	03:26:03
20	A. Then had a conversation with Mr. Wills about doing	03:26:09
21	the exam of the rifle. There was a date set up. I went	03:26:14
22	down to Houston, met Mr. Andy Landry. He drove me over to	03:26:18
23	the Plaintiff's counsel's office and we conducted an exam of	03:26:18
24	that rifle then at that office. That's the first time I had	03:26:18
25	anything to do with it.	03:26:18

1 Q. And before you arrived there, did you have an 03:26:38
2 understanding of how the accident had occurred? 03:26:38

3 A. My understanding was is the complaint was fired 03:26:19
4 absent a trigger pull, the particulars to it, I don't know 03:26:53
5 if I knew or not. 03:26:53

6 Q. Did you at any particular time after that learn 03:27:01
7 particulars? 03:27:03

8 A. After that, yes. I don't remember if the 03:27:10
9 plaintiff's counsel was clear at that point in time, if it 03:27:16
10 was claimed FSR or Jar Off or what it was at that point in 03:27:19
11 time, so we didn't take any chances, we did a full exam on 03:27:23
12 everything. 03:27:23

13 Q. That was your first examination, right? 03:27:23

14 A. First -- what I'm describing is the first 03:27:24
15 examination, that is correct. 03:27:24

16 Q. Which occurred in 2013? 03:27:24

17 A. I think so. 03:27:24

18 Q. Okay. And in -- in 2013, when you examined that 03:27:24
19 rifle, were you aware at all of the problem with the excess 03:27:24
20 sealant? 03:27:24

21 A. The Loctite causing the failure mode, we didn't 03:27:24
22 have that proven or known until the Otto rifle so, no, it 03:27:24
23 was before that. So I didn't know that you could get it 03:27:24
24 going off at a 10-degree temperature or a zero to 30-degree 03:27:24
25 temperature, no. 03:27:24

1 Q. Have you ever looked back at any of the product 03:28:16
2 service records to see if there were complaints about the 03:28:18
3 XMP rifle firing without the trigger being pulled at higher 03:28:20
4 temperatures? 03:28:25

5 A. Higher, meaning? 03:28:28

6 Q. Higher than 10, 20, and 30 degrees? 03:28:29

7 A. Nothing's coming to mind as far as a specific 03:28:39
8 search for that. 03:28:39

9 Q. Would you be surprised if you looked back through 03:28:42
10 the Product Service records and there were multiple 03:28:42
11 complaints from customers that their rifle had fired without 03:28:42
12 the trigger being pulled at temperatures higher than 30, 40, 03:28:42
13 50, 60 degrees, would that surprise you? 03:28:42

14 A. Seventy, 80, are we talking full range, no, I'm 03:28:56
15 not. If we're talking full range of the rifle, I would not 03:28:56
16 be surprised if allegations had been made at the full 03:28:56
17 temperature range. 03:28:56

18 Q. Well, you didn't test it at 40 degrees, for 03:28:56
19 instance, did you? 03:28:56

20 A. No. At that point in time I don't believe the 03:28:57
21 temperature was even discussed. 03:28:57

22 Q. No. At any -- in no point in time did you test 03:29:09
23 the rifle, the XMP rifle, for failures at 40, 50, 60 or 70 03:29:09
24 degrees, did you? 03:29:09

25 A. Seventy, 60 degrees, room temperatures. I've 03:29:12

1 tested and functioned the Edge rifle, absolutely, at those 03:29:12
2 temperatures. 03:29:12

3 The other rifles that -- that I've done over the 03:29:12
4 years, very, very, very, very few have been X-Mark Pros, 03:29:12
5 outside of this recall but, yeah, 60, 70 degrees, sure. 03:29:12

6 Q. How about 40 and 50, you never tested any of those 03:29:24
7 degrees, right? 03:29:24

8 A. Forty and 50 degrees, if -- to go back through the 03:29:24
9 well documented testing, but I don't recall ever having the 03:29:24
10 freezer or the environmental chambers set to those 03:29:24
11 temperatures. 03:29:24

12 Q. Okay. When -- when you tested the -- the Edge 03:29:24
13 rifle on your first visit, did you understand that Mr. Edge 03:29:24
14 was saying that the rifle had fired when he banged it or 03:29:24
15 slightly knocked it against his -- the case of his -- his 03:29:24
16 gun case? 03:29:24

17 A. I don't remember if at that point in time it -- 03:29:12
18 that was the allegation or if it was an FSR or -- I -- I 03:29:12
19 don't remember. I can't remember. 03:29:12

20 Q. Prior in time to returning to examine the rifle 03:30:36
21 for a second time in July of 2014, did you know prior to 03:30:38
22 that exam that Mr. Edge, his claim was that the rifle had 03:30:38
23 fired when it banged against his gun case? 03:30:38

24 A. I can't say for any -- with any certainty if it 03:30:53
25 was a Jar Off or FSR, I don't remember what the allegations 03:30:56

1 were at that point in time. 03:30:56

2 Q. Okay. Do you remember returning to examine the 03:31:03
3 Edge rifle for a second time? 03:31:03

4 A. Yes. 03:31:06

5 Q. Whose idea was that? 03:31:06

6 A. I believe it was mine. 03:31:08

7 Q. And why did you want to go back and look at the 03:31:10
8 Edge rifle for a second visit? 03:31:11

9 A. Because that was after we determined liquid 03:31:12
10 Loctite could cause a rifle to discharge between zero and 30 03:31:12
11 degrees Fahrenheit. 03:31:12

12 Q. Between what? 03:31:21

13 A. Zero and 30 degrees Fahrenheit. 03:31:21

14 Q. Did you know the temperature that Mr. -- under 03:31:24
15 which Mr. Edge was using the rifle when his rifle 03:31:24
16 discharged? 03:31:24

17 A. Not until this week. I believe it was 46 degrees. 03:31:31

18 Q. Well, before you made the trip down to see the 03:31:34
19 Edge rifle, you had the ability, didn't you, just to look on 03:31:37
20 the Internet and see what the temperature was in the area 03:31:37
21 where he was using the rifle when the accident happened, you 03:31:37
22 could do that instantly, couldn't you? 03:31:37

23 A. I don't believe that there was ever any testimony, 03:31:46
24 at least I was not aware of any -- any allegations that it 03:31:48
25 was a cold weather related incident. 03:31:51

1 What I was more interested in was is what we had 03:31:54
2 proven was is the existence of liquid Loctite between the 03:31:54
3 blocker and trigger could cause it to discharge with the 03:31:54
4 safety being moved to safe to fire between the temperatures 03:31:54
5 of zero and 30 degrees and I wanted to inspect the rifle and 03:31:54
6 see if that was actually the case with the Edge rifle. 03:31:54

7 Q. Now, listen carefully, now, Mr. Watkins. As I 03:32:17
8 understand your testimony today, the only testing that you 03:32:17
9 had done to prove that the rifle would fire without the 03:32:17
10 trigger being done occurred at 30 degrees and below, right? 03:32:17
11 Had to be at least 30 degrees to get the failure according 03:32:17
12 to your testing, right? 03:32:17

13 A. The only failures that had been documented were 03:32:32
14 between zero and 30 degrees Fahrenheit with the existence of 03:32:32
15 liquid Loctite between the blocker and the trigger. 03:32:32

16 Q. The only failures that had been documented by you, 03:32:18
17 right? 03:32:18

18 A. The only failures that had been documented by 03:32:50
19 scientific experimentation and testing were between zero and 03:32:53
20 30 degrees with the existence of liquid Loctite between the 03:32:53
21 blocker and trigger. 03:32:53

22 Q. Okay. Well, when you went down to examine 03:33:06
23 Mr. Edge's rifle, did you attempt to determine the 03:33:06
24 temperatures that -- excuse me -- the weather conditions 03:33:06
25 that existed at the time this incident occurred, did you 03:33:06

1 attempt to do that before you made your trip? 03:33:06

2 A. When? 03:33:10

3 Q. Before you came down to see the Edge rifle -- 03:33:11

4 A. There's two trips, which trip? 03:33:11

5 Q. The second trip. 03:33:11

6 A. Okay. 03:33:19

7 Q. In July 2014, before you made that trip, did you 03:33:19

8 look on the Internet under weather.com to see what the 03:33:19

9 weather conditions were in the area that he was occupying 03:33:19

10 when the accident happened, did you do that? 03:33:19

11 A. I went down there to assess if it was susceptible 03:33:21

12 to the recall condition and that was my goal, was to find 03:33:21

13 out if there was liquid Loctite that was -- that -- between 03:33:21

14 the blocker and trigger that had been scientifically proven 03:33:21

15 to be able to induce a discharge when the safety is moved 03:33:21

16 from safe to fire between the temperatures of zero and 30 03:33:21

17 degrees Fahrenheit. 03:33:21

18 Q. Well, from what I hear you saying, though, if it's 03:34:06

19 not below 30 degrees Fahrenheit, then it hasn't been 03:34:08

20 scientifically proven that it could happen, right? 03:34:08

21 A. There's no testing that I know of that shows a 03:34:15

22 rifle with liquid Loctite between the blocker and the 03:34:18

23 trigger discharging above 30 degrees Fahrenheit. 03:34:19

24 Q. What about consumer complaints, do you regard 03:34:20

25 those as reliable? 03:34:20

1 A. I regard them as information that we should follow 03:34:20
2 up on. They are not proof of anything. Proof is derived 03:34:20
3 through scientific experimentation. 03:34:20

4 Q. Well, actually, your scientific experimentation 03:34:20
5 that you rely upon has such a small sample that nobody in 03:34:20
6 science would consider it to be as a reliable sample, would 03:34:20
7 they? 03:34:20

8 A. That's a completely false statement. Once you've 03:34:20
9 proven that it -- it exists, you've proven that it's from 03:34:20
10 field returns, that is enough evidence to act upon and 03:34:20
11 you've proved it over samples from multiple years, that's 03:34:20
12 enough evidence to act upon and Remington did act upon it. 03:34:20

13 Q. Why didn't -- 03:34:29

14 A. They felt it was scientifically sound. 03:34:29

15 Q. Why didn't you continue to test at 40, 50, and 60 03:34:29
16 degrees to see -- 03:34:29

17 A. We were recalling all of them. I had established 03:34:29
18 that it was happening at those ranges. What more evidence 03:34:29
19 do you need to have a recall? 03:34:29

20 Q. All right. I've got some pictures here of the 03:35:20
21 Edge fire control that were taken. 03:35:48

22 First off, just to have reference again, so the 03:35:55
23 jury will know what we're looking at here, this is the 03:36:01
24 Watkins Number 2, could we just come in on that. 03:36:04

25 And Watkins Number 2, we already agreed, that 03:36:07

1 shows a fire control with the blocker screw and the trigger 03:36:07
2 in a properly manufactured condition, right? 03:36:07
3 A. That shows the blocker and -- and trigger and 03:36:20
4 blocker screw in the condition as they come out of the 03:36:24
5 factory today. 03:36:26
6 Q. Properly manufactured screw? 03:36:28
7 A. Per today's manufacturing techniques. 03:36:30
8 Q. This is the way it should have been manufactured 03:36:32
9 from the beginning, right? 03:36:33
10 A. Per the manufacturing techniques of today, it is 03:36:35
11 correct. The specifications that they had at that point in 03:36:36
12 time and inspections that they were doing at that point in 03:36:43
13 time, they weren't aware of that -- of excess liquid Loctite 03:36:43
14 being between the blocker and trigger as being an issue. 03:36:43
15 MR. WILLS: What's the Bates number on that? 03:36:44
16 MR. CHAFFIN: Two. The Bates number? 03:36:44
17 MR. WILLS: Yeah. 03:36:44
18 MR. CHAFFIN: I said it earlier but I don't 03:36:44
19 remember what -- 03:36:44
20 MR. WILLS: On that photo, there's a Bates 03:36:46
21 number? 03:36:46
22 MR. CHAFFIN: No. But there is a larger photo 03:36:46
23 that has the Bates number on it, which I -- I -- 03:36:46
24 MR. WILLS: Okay. Never -- never mind. 03:36:46
25 MR. CHAFFIN: -- think I made reference to it 03:36:44

1 earlier. I can find it again. 03:36:44

2 Q. (BY MR. CHAFFIN) And just to show this one here, 03:36:44

3 then, this is going to be -- we're going to call this one 03:37:26

4 Watkins 11. 03:37:31

5 * * * * * 03:37:35

6 (Whereupon, a document was marked Exhibit No. 11.) 03:37:35

7 * * * * * 03:37:35

8 Q. (BY MR. CHAFFIN) This is a photograph of the Edge 03:37:42

9 rifle that you took with, I believe, your borescope? 03:37:46

10 A. That would be incorrect. 03:37:47

11 Q. Well, whatever you brought with you to examine it 03:37:52

12 on the occasion that you came? 03:37:52

13 A. That -- 03:37:55

14 Q. Or is this your first exam? 03:37:56

15 A. That's first exam if -- if it's the Edge rifle, 03:37:58

16 that's the first exam. 03:38:00

17 Q. It's the Edge rifle. 03:38:01

18 A. How -- how do we know this? 03:38:03

19 Q. And so on the Edge rifle here -- what we're seeing 03:38:06

20 here on the Edge rifle is the presence of Loctite both on 03:38:06

21 the blocker screw and here on the trigger, right? 03:38:06

22 A. You're seeing a mixture of Loctite and graphite on 03:38:06

23 the blocker screw and on the trigger in that photo. 03:38:06

24 Q. And comparing that to the original one of what 03:38:21

25 it's supposed looked like, you can clearly see -- here's the 03:38:26

1 original, what it's supposed to look like -- you can clearly 03:38:31

2 see that the Edge blocker screw and the trigger face are 03:38:34

3 contaminated with excess Loctite, right, sir? 03:38:40

4 MR. WILLS: Object to the form of the 03:38:45

5 question. 03:38:45

6 Q. (BY MR. CHAFFIN) Clearly see that, can't you? 03:38:46

7 MR. WILLS: Same objection. 03:38:47

8 A. The blocker screw and trigger have a mixture of 03:38:41

9 Loctite and graphite, no liquid Loc -- Loctite was ever 03:38:51

10 observed. 03:38:52

11 Q. (BY MR. CHAFFIN) Well, there was liquid at some 03:38:58

12 time because it transferred from the blocker screw to the 03:38:58

13 trigger, right? 03:38:58

14 A. The liquid Loctite, once tied up with the 03:39:03

15 graphite, which is what you're seeing in the photo, will not 03:39:06

16 produce a failure mode. There is no liquid Loctite there. 03:39:06

17 All rifles tested in the manner that you see in the Edge 03:39:06

18 rifle have passed. 03:39:06

19 Q. And -- and looking now at the engagement screw -- 03:39:26

20 you -- you came back and took some closeup photographs, 03:39:32

21 right? 03:39:39

22 A. I came back with a borescope so I could get down 03:39:39

23 into the fire control. 03:39:44

24 Q. And, when you came back with the borescope, you 03:39:46

25 more closely photographed both the blocker screw and the 03:39:47

1	engagement screw, right?	03:39:48
2	A. I videoed both of them.	03:39:53
3	Q. Well, I think we're going to have to go back in	03:40:23
4	the future and take some more photographs of those,	03:40:23
5	Mr. Watkins.	03:40:23
6	A. I would love the opportunity to x-ray and examine	03:40:24
7	the Edge rifle.	03:40:24
8	MR. WILLS: We've got an agreement to do that	03:40:33
9	so that won't be a problem.	03:40:33
10	A. Thank you.	03:39:56
11	Q. (BY MR. CHAFFIN) Well, what -- what we're looking	03:40:35
12	at in this photograph is the one of the -- of the photograph	03:40:35
13	removed from your borescope video. And now, in this one,	03:40:38
14	you can more closely see that there's a much larger buildup	03:40:43
15	when you put it under their microscope of the sealant	03:40:45
16	material or the threadlocker, as you call it, there's a much	03:40:45
17	larger buildup on the screw and around the screw once you	03:40:45
18	put it under the microscope, right?	03:40:45
19	A. The size doesn't change relative to what you're	03:40:45
20	looking at it with.	03:40:45
21	Q. Clear --	03:41:11
22	A. The size constant. The -- the photo shows a	03:41:12
23	mixture of graphite and --	03:41:12
24	Q. Just --	03:41:12
25	A. -- Loctite.	03:41:12

1 Q. You get -- here's the one photo taken with just a 03:41:12
2 regular camera and here's your photo taken with your 03:41:12
3 borescope of the same area. 03:41:12

4 A. I don't know if it's with the borescope or not. 03:41:12

5 Q. It's off the video that you gave us, that's what 03:41:21
6 your -- 03:41:21

7 A. Is it? 03:41:21

8 Q. Yeah. 03:41:21

9 A. I mean -- 03:41:21

10 Q. It's a snip off the video. 03:41:24

11 A. -- you seem to be having questions. The -- what I 03:41:26
12 see there, if -- would -- would you take it and turn it 90 03:41:31
13 degrees. Thank you. All right. 03:41:31

14 So what I'm seeing there is what I saw in the 03:41:31
15 other photo. 03:41:31

16 Q. Here -- here's your screw, right, the tip of the 03:41:31
17 blocker screw? 03:41:31

18 A. That's the screw -- blocker screw and what I'm 03:41:31
19 seeing is -- 03:41:31

20 Q. And here's your trigger, right? 03:41:31

21 A. -- the blocker screw and trigger there. What I'm 03:41:31
22 seeing is exactly what we saw in the other photo, a mixture 03:41:31
23 of graphite and Loctite, no liquid Loctite. 03:41:31

24 Q. And -- and what you seeing here is the way it 03:41:41
25 looks out of the factory, right? 03:41:41

1 A. That is how it looks out of the factory today 03:41:46

2 with -- 03:41:46

3 Q. That's how it always should have looked, right? 03:41:46

4 MR. WILLS: Objection; asked and answer. 03:41:46

5 Q. (BY MR. CHAFFIN) Do you agree or disagree that's 03:41:46

6 the way it should have looked from the beginning? 03:41:46

7 A. I, knowing what I know now, after the fact, after 03:42:13

8 the testing, that the existence of liquid Loctite, between 03:42:18

9 the blocker and the trigger, can cause the rifle to fail at 03:42:25

10 temperatures between zero and 30 degrees when this rifle is 03:42:29

11 moved from safe to fire. 03:42:34

12 If you had asked me if that was a problem before 03:42:37

13 the testing, we wouldn't have known that that was an issue. 03:42:41

14 If you don't know it's an issue, you can't say it's a 03:42:44

15 problem. 03:42:44

16 Q. Okay. With that, the first picture we just looked 03:42:46

17 at is the way they come out now. 03:42:46

18 And now this is a picture of what the Edge rifle 03:42:46

19 looked like when it came from the factory, right? 03:42:46

20 MR. WILLS: Object to the form of the 03:43:03

21 question. 03:43:03

22 Q. (BY MR. CHAFFIN) The Edge rifle, as it came from 03:43:03

23 the factory, is a prime example of a sloppy manufacturing 03:43:03

24 technique, isn't it, sir? 03:43:03

25 A. Slo -- define slop for me. You keep throwing this 03:43:11

1 around so why don't we -- 03:43:11

2 Q. It means when you put excess material where it 03:43:11

3 doesn't belong in a time when you know it could cause a 03:43:11

4 problem? 03:43:11

5 A. That's a fal -- then absolutely not. The factory 03:42:46

6 never knew it could cause a problem. The factory is not 03:43:12

7 wilfully putting out product that cause -- could cause an 03:43:12

8 issue. 03:43:12

9 Q. They're wilfully putting out a sloppy product, 03:43:18

10 right? 03:43:18

11 A. According to your term -- definition of slop, no. 03:43:20

12 Q. Well, let's see, unnecessary use, if you -- if you 03:43:24

13 put too much glue in a very small mechanism -- 03:43:24

14 A. Which they're not doing. 03:43:25

15 Q. There's too much glue on this thing, right? 03:43:25

16 A. No glue. There's no glue there. 03:43:25

17 MR. WILLS: That was the first five minutes. 03:43:24

18 Q. (BY MR. CHAFFIN) Sealant. Okay. 03:43:41

19 A. Yeah. We've been through this. 03:43:41

20 Q. Okay. 03:43:41

21 A. I mean, let's not waste time. 03:43:41

22 Q. You don't believe this had anything to do with the 03:43:43

23 accident of Mr. Edge, right? 03:43:48

24 A. All of the evidence, if you go back and you look 03:43:51

25 at the videos, the videos definitely show that the trigger 03:43:51

1 and front of the blocker are not contaminated with liquid 03:43:51

2 Loctite and, therefore, all the testing of every rifle that 03:43:52

3 resembles the Edge rifle has passed testing. I -- I -- 03:43:52

4 sorry. 03:43:52

5 Q. Yeah. We can -- we can look at the engagement 03:44:10

6 screw from the Edge rifle, it's contaminated, too, right, 03:44:10

7 sir? That's the trigger right here, you can see right up 03:44:10

8 against the trigger, you've got excess Loctite in there, 03:44:10

9 too, right? 03:44:10

10 MR. WILLS: The same; argumentative; 03:44:11

11 objection. 03:44:11

12 A. I'm sorry. I've been trying to get this back on, 03:44:11

13 I didn't hear your question. What was your question? 03:44:11

14 Q. (BY MR. CHAFFIN) Do -- do you see excess Loctite 03:44:11

15 in here where the Edge trigger is? 03:44:11

16 A. I see a mixture of Loctite and graphite at the end 03:44:11

17 of the engagement screw. 03:44:11

18 Q. It shouldn't be there, right? 03:43:52

19 A. Knowing what we know now, it's -- it's not 03:44:38

20 favorable to have it there. 03:44:38

21 Q. Now, are you aware of a warranty that Remington 03:44:37

22 makes with its new rifles? 03:44:37

23 A. I would have to look at it. 03:45:01

24 Q. Well, you testified about it in another case, so 03:45:03

25 are you -- are you aware that Remington has a -- 03:45:03

1 MR. WILLIS: You're asking him now. He's not 03:45:04
2 employed by Remington. 03:45:04

3 Q. (BY MR. CHAFFIN) Are you aware of the fact that 03:45:04
4 Rem -- that new rifles, new model 700 rifles Remington sold 03:45:04
5 by Remington come with a warranty as to parts? 03:45:04

6 A. I don't know if they still do. I thought they 03:45:15
7 were going to get rid of the warranty when I left. 03:45:15

8 Q. You think the warranty's gone entirely? 03:45:15

9 A. I believe so. 03:45:22

10 Q. And when do you think the warranty disappeared? 03:45:23

11 A. I don't know. They were -- there were -- I had 03:45:24
12 heard rumblings about it before I left so it -- it would 03:45:24
13 have been probably had taken place before or shortly after, 03:45:24
14 if it did happen. I have no idea. 03:45:30

15 Q. Well, Mr. Edge's rifle was manufactured in 2012. 03:45:39
16 At that time, there was a two-year warranty, wasn't there? 03:45:39

17 A. Don't know. 03:45:45

18 Q. You don't know. You know anything, what the 03:45:46
19 warranty is? 03:45:47

20 A. If -- you want to look at -- let's not 03:45:48
21 hypothetical here. Let's just get the warranty out, if it 03:45:50
22 exists, and look at it. 03:45:50

23 Q. Do you know what the warranty was? 03:45:57

24 A. No. I don't know what the warranty was. 03:45:58

25 Q. Do you know what a warranty is? 03:45:59

1 | A. I have a working knowledge of warranties. 03:46:02

2 | Q. What do you think a warranty is? 03:46:06

3	A. Implicit or explicit?	03:46:09
---	--------------------------	----------

4 Q. Well, have you ever read any warranty that deals 03:46:10

```
5 | with an XMP model 700. Have you ever read one?                                03:46:10
```

6 | A. I have read warranties from Remington before, yes. 03:46:21

7 Q. And what do you recall the warranties -- terms of 03:46:25

8 | the warranty being? 03:46:29

9 | A. I don't remember. We'd have to go look at the 03:46:29

```
10 | documentation.                                03:46:29
```

11 Q. Are -- are the rifles warranted as to workmanship 03:46:34

12 | and parts? 03:46:34

13 MR. WILLS: Asked and answered. 03:46:40

14 A. We -- I have to look at the documentation, not 03:46:43

```
15 | going to guess.                                03:46:47
```

16 Q. (BY MR. CHAFFIN) Just don't know? 03:46:50

17 MR. WILLS: No. He's not going to guess, Bob. 03:46:50

18 | A. I'm not going to guess. 03:46:51

19 MR. CHAFFIN: Let's take a break for just a 03:46:56

20	minute.	03:46:56
----	---------	----------

21	THE VIDEOGRAPHER: Going off the record.	03:46:58
----	---	----------

22 * * * * * 03:56:23

23	(Break taken.)	03:56:23
----	----------------	----------

24 * * * * * 03:56:23

25	THE VIDEOGRAPHER: Back on the record.	03:46:50
----	---------------------------------------	----------

1 Q. (BY MR. CHAFFIN) This is just to clear things up. 03:56:33

2 Mr. Watkins, I got a -- this is from McNeil Exhibit Number 03:56:33

3 1198 produced by Remington. It's got a whole list of serial 03:56:37

4 numbers under here. 03:56:39

5 Do -- do you have any idea what all those serial 03:56:39

6 numbers are for? Did you test all those rifles or were they 03:56:39

7 all received by you, because I understand you only actually 03:56:39

8 tested 11. 03:56:39

9 A. I don't think the 11 number's accurate. There's 03:56:56

10 more that we did. 03:56:58

11 Q. Is that the whole -- 03:57:00

12 A. The -- 03:57:00

13 Q. Is that the whole list of rifles that were sent to 03:57:00

14 you by Ilion? 03:57:00

15 A. I can't tell you if that's the whole list that was 03:56:58

16 sent or not. There's -- there's no way for me to tell just 03:56:58

17 by this. This looks to be a directory, not a list of serial 03:56:58

18 numbers. I mean, yes, there are serial numbers here, but it 03:57:18

19 seems to be a directory. 03:57:18

20 Q. Doesn't -- doesn't ring any bells to you because I 03:57:29

21 looked at all the pictures -- 03:57:29

22 A. I -- it's -- 03:57:29

23 Q. -- of them and -- 03:57:29

24 A. -- don't think it's -- I don't thinks it's -- 03:57:29

25 Q. -- if -- if -- 03:57:29

1 A. -- my directory. 03:57:29

2 Q. -- these are all -- these are all -- every one of 03:57:29
3 these you took photographs of? 03:57:29

4 A. Is it? Okay. I don't remember if -- if that's 03:57:29
5 the directory that would contain photos or not. I don't 03:57:29
6 know. 03:57:29

7 Q. So you photographed more than 11, right? 03:57:29

8 A. Ryan and I were working tag team. My photos -- I 03:57:29
9 thought my photos were of ones I was testing unless -- I 03:57:29
10 don't remember. 03:57:29

11 Q. Were -- were some of -- 03:58:17

12 A. I don't remember. 03:58:17

13 Q. Well, you said you -- you were working tag team 03:58:17
14 with Ryan, can you -- 03:58:17

15 A. Yeah. 03:58:17

16 Q. -- give us a better idea of what -- what you're 03:58:17
17 talking about there? 03:58:17

18 A. As I stated earlier in my testimony, after we had 03:57:20
19 reproduced the failure on the Otto rifle, I believe on the 03:57:20
20 11th of March, that then I got more rifles, did a test. And 03:57:20
21 then we had, I think, 11 rifles, all of them passed the 03:57:20
22 10-degree test and Otto's failed, so now I've got two 03:57:20
23 populations. 03:57:20

24 And, at that point in time, I believe, that was 03:58:23
25 Mr. -- when Mr. Henserling came on board to help find the 03:58:23

1 difference between what was going on with the Otto gun and 03:58:23
2 what was going on with the others that had been tested and 03:58:23
3 had passed. I believe that was when he came. 03:58:23

4 Q. Was he in Elizabethtown, too? 03:58:41

5 A. Yeah. He's a -- 03:58:41

6 Q. Did you ask him to help you? 03:58:41

7 A. I don't know if I asked him or if I asked his boss 03:58:41
8 for his assistance, I don't remember which way. 03:58:41

9 Q. But you asked somebody for assistance? 03:58:41

10 A. Yeah. Absolutely. Absolutely. 03:58:41

11 Q. So did -- was there a team formed to do this 03:58:41
12 investigation? 03:58:41

13 A. As I testified earlier, Mr. Ronkainen was advised 03:58:41
14 so his input was greatly valued. Mr. Henserling was helping 03:58:41
15 and might have had the assistance of Mr. Geronic but I can't 03:58:41
16 remember. 03:58:41

17 Q. Of who? 03:58:41

18 A. Mr. Geronic, he was a metallurgist at that point 03:58:41
19 in time. But I can't remember if he actually did anything 03:58:41
20 on that one. 03:58:41

21 Q. Now -- 03:58:41

22 A. I mean, don't get me wrong, he wouldn't have not 03:59:57
23 something, I just don't remember his participation. 03:59:57

24 Q. -- the -- the -- the interference that's caused by 03:59:57
25 either the engagement screw or the excess sealant on -- on 03:59:57

1 the blocker screw, would or could that lead to a variance in 03:59:57
2 the amount of engagement between the trigger and the sear so 03:59:57
3 that it could be different on different occasions? In other 03:59:57
4 words, we've seen that on each occasion the rifle didn't 03:59:57
5 fire in all the videos we looked at. 03:59:57

6 A. What videos? I mean, we've looked at a lot stuff 03:58:23
7 today. 03:58:23

8 Q. Looked at videos of Young, the Breeze, and the 04:00:10
9 Otto video, and none of those videos did the rifle fire 04:00:10
10 every time that they flipped the safety off, okay? 04:00:10

11 A. Disagree. The Otto did fire -- 04:00:12

12 Q. Okay. 04:00:12

13 A. -- when it was coming off the 10-degree soak. You 04:00:12
14 are trying to, in my opinion, represent that it didn't when 04:00:12
15 it did, so the Otto rifle fired after 10-degree soak. 04:00:12

16 Q. Here's -- here's what I'm getting at. What -- 04:00:12
17 what is the factory required engagement between the trigger 04:00:12
18 and the sear? 04:00:12

19 A. Nine -- twent -- 20 nominal plus or minus one, so 04:00:12
20 I think 21 to 19. 04:00:12

21 Q. Thousandths of an inch, right? 04:00:27

22 A. Thousandths of an inch, I believe. 04:00:27

23 Q. Okay. Is it possible that that engagement could 04:00:27
24 vary or change depending upon interference caused by sealant 04:00:27
25 on either the blocker screw or the engagement screw? 04:00:27

1 A. First off, let me correct you. It has never been 04:00:12
2 witnessed, proven, otherwise that the 660 with graphite or 04:00:12
3 in liquid form has ever caused any interference, so I'm 04:00:12
4 unaware of its ability to interfere. 04:00:12

5 Q. It'd just be argumentative but we all did sit here 04:02:06
6 and watch the Charles Young video, right? 04:02:11

7 A. Charles Young, yes, we did. 04:02:16

8 Q. And we -- 04:02:16

9 A. And you've drawn conclusions without scientific 04:02:16
10 fact. 04:02:16

11 Q. Well, it is a scientific fact that the rifle fired 04:02:16
12 without the trigger being pulled because we saw it on video, 04:02:16
13 right? 04:02:16

14 A. Charles Young video showed the rifle discharging 04:02:16
15 when the safety was moved to the -- from the safe position 04:02:32
16 to the fire position at a unspecified temperature. 04:02:32

17 Q. Does it make any difference what the temperature 04:02:42
18 was? 04:02:43

19 A. That's absolutely important because if you're 04:02:46
20 going to try and figure out if the liquid Loctite has any 04:02:46
21 play in it, that's important. 04:02:46

22 And also the fact that it did not discharge on the 04:02:45
23 first actuation, that it discharged after many attempts at 04:02:58
24 making it discharge, is evidence that it is not behaving 04:03:02
25 according to what we found and what we recalled for. 04:03:02

1 Q. Let me just ask you about a few other things and 04:04:05
2 we'll probably be through for the day. 04:04:08

3 Do you think that the Edge rifle is free of 04:04:14
4 defects from workmanship and materials? 04:04:16

5 A. I have seen nothing in the Edge rifle that would 04:04:24
6 lead me to believe that it is able to discharge in any other 04:04:29
7 fashion other than with the safety in the fire position and 04:04:32
8 the trigger pulled. 04:04:32

9 Q. Do you -- do you know that -- that Mr. Edge has 04:04:39
10 testified that his hand was nowhere near the trigger, that 04:04:40
11 it was on the front forearm of the gun when the berm of the 04:04:44
12 gun bumped the safe -- bumped the gun case and -- and the 04:04:46
13 rifle fired? 04:04:46

14 A. I am aware of Mr. Edge's claims. 04:04:54

15 Q. And how would he have pulled the trigger under 04:04:57
16 those circumstances? 04:04:58

17 A. He gripped -- he could grip it by the trigger, 04:05:01
18 flip it from safe to fire and pull the trigger is how he 04:05:03
19 could do it. 04:05:03

20 Q. But he -- so you would have to say his testimony 04:05:04
21 was false, then, right? 04:05:04

22 A. I would have to say that in order for that to 04:05:11
23 happen, he would have to have been mistaken about how he was 04:05:14
24 handling the rifle. 04:05:14

25 Q. So your testimony today is that, in you opinion, 04:05:22

1 the only way the Edge rifle fired is if he pulled the 04:05:24
2 trigger? 04:05:24

3 A. My testimony today is not conclusive because the 04:05:30
4 exam and testing of the rifle has not been completed. 04:05:32

5 But, based on all the physical evidence that I 04:05:32
6 have examined, there is nothing to lead me to believe that 04:05:32
7 the Edge rifle is susceptible to liquid Loctite between the 04:05:32
8 blocker and trigger and low temperatures causing it to fire 04:05:32
9 when the safety is moved from safe to fire. 04:05:32

10 Therefore, I don't have any evidence, whatsoever, 04:05:33
11 to suggest other than it was discharged in the way in which 04:05:33
12 it was designed. 04:05:33

13 Q. So your testimony today is that, in your opinion, 04:06:06
14 Mr. Edge pulled the trigger, right? 04:06:08

15 A. My testimony today is -- 04:06:11

16 Q. Mr. -- 04:06:11

17 A. -- not conclusive. 04:06:12

18 Q. What do you mean? Well, let's -- 04:06:13

19 A. Well, that you -- 04:06:15

20 Q. Let me ask you straight. Do you have an opinion 04:06:16
21 today, yes or no, that Mr. Edge pull the trigger? 04:06:16

22 MR. WILLS: That Mr. Edge specifically or -- 04:06:18

23 Q. (BY MR. CHAFFIN) Edge. 04:06:18

24 MR. WILLS: -- something else? 04:06:18

25 Q. (BY MR. CHAFFIN) Mr. Edge? 04:06:18

1 A. My testimony, preliminary conclusion, based on -- 04:06:16
2 subject to change based on further testing and further 04:06:16
3 examination of the rifle, is that the rifle discharged 04:06:16
4 because the safety was in the fire position, the rifle had a 04:06:16
5 load round in the chamber, the firing pin was cocked and the 04:06:16
6 trigger was pulled. 04:06:16

7 Q. Okay. Thank you. Do you know of any other defect 04:06:23
8 in the XMP rifle, other than the problem with the sealant or 04:07:06
9 Loctite, that would cause the rifle to fire without pulling 04:07:09
10 the trigger, so many rifles in factory-spec condition? 04:07:09

11 A. That -- that question makes no sense, how can you 04:07:21
12 have a defect and be in factory-spec condition? 04:07:24

13 Q. Well, I'm asking you. A defect can exist in a 04:07:28
14 factory-spec condition. You can manufacturer a rifle that's 04:07:28
15 defective, according to the specifications that you 04:07:28
16 manufactured it, you understand that? 04:07:28

17 A. If the spec is defective. 04:07:28

18 Q. That's exactly right. 04:07:28

19 MR. WILLS: He -- he's asking you both a 04:07:26
20 design defect and a manufacturing defect, a question there, 04:07:26
21 right, Bob? I mean, I'm just trying to help you out here. 04:07:26

22 Q. (BY MR. CHAFFIN) Do you know of any manufacturing 04:07:42
23 defect in any XMP rifle that would cause it to fire without 04:07:42
24 the trigger being pulled 04:07:42

25 A. Manufacturing defects -- 04:07:42

1 Q. Yes. 04:07:42

2 A. -- that we found in the rifles manufactured from 04:07:42

3 2006 to 2014, that the recall was for, was for the existence 04:08:09

4 of liquid Loctite between the blocker and the trigger that 04:08:09

5 could cause the rifle to discharge at -- after a zero to 04:08:09

6 30-degree soak, when the rifle was moved from safe to fire. 04:08:09

7 Q. If you're only recalling it for the presence of 04:08:33

8 liquid Loc -- liquid Loctite in the gun, why didn't you 04:08:34

9 restrict the recall to those guns who had liquid Loctite in 04:08:37

10 them? 04:08:37

11 A. You tell me how you can come up with a hundred 04:08:37

12 percent effective method of determining that for one point 04:08:37

13 three rif -- million rifles out in the field and not messing 04:08:37

14 up, don't know of it, don't know if the technology exists, 04:08:37

15 not going to take that chance with our customers. Remington 04:08:37

16 values its customers. Remington responded to a known issue 04:08:37

17 and corrected that issue. 04:08:37

18 Q. Isn't it a fact the reason they called all the 04:09:04

19 rifles because it's impossible to inspect them and tell with 04:09:04

20 the naked eye or a microscope which of them will malfunction 04:09:04

21 and which will not? 04:09:04

22 A. It was never ever in question to my opinion and -- 04:09:04

23 and experience. It was, we got an issue out there, there's 04:09:04

24 questions about how many of them, it's been proven, bring 04:09:04

25 them back. 04:09:04

1 Q. You brought them all back because you cannot look 04:09:13
2 at them and tell which ones of them will malfunction and 04:09:13
3 which will not, right? 04:09:13

4 MR. WILLS: Object to the form; argumentative. 04:09:20

5 A. I have a hundred percent -- 04:09:20

6 MR. WILLS: Go ahead. 04:09:20

7 A. I -- I, personally, Derek Watkins, have so far a 04:09:20
8 hundred percent success rate of being able to determine 04:09:20
9 which ones are susceptible and which aren't. 04:09:20

10 To think that Derek Watkins is going to be able to 04:09:20
11 examine one point three million rifles is unreasonable. 04:09:20

12 Remington took the responsible task, pulled them 04:09:13
13 all back, didn't take any chances, treated its customers 04:09:13
14 with the utmost respect, fixed those rifles, and got them 04:09:13
15 back to them in a timely fashion. 04:09:13

16 Q. (BY MR. CHAFFIN) Do -- do you know why Remington 04:10:00
17 hasn't spent more money to try to get a higher percentage of 04:10:04
18 the rifles back? 04:10:04

19 MR. WILLS: Object to the form of the 04:10:12
20 question. 04:10:12

21 Q. (BY MR. CHAFFIN) Okay. Do you know as -- as of 04:10:04
22 right now, Remington has only had a return of the rifles of 04:10:04
23 somewhere around, I believe, 16 percent? 04:10:04

24 A. No. I don't know that. 04:10:23

25 Q. So, as of right now, if you -- if your 3 percent 04:10:24

1 number is correct and you've gotten a return of percentage 04:10:28
2 of 16 percent, you've still got 25,000 rifles floating 04:10:28
3 around that might go off at any time, right? 04:10:28

4 A. No. Because you're taking into -- not taking into 04:10:33
5 consideration of a loss of product through life. You're 04:10:33
6 assuming every one that went out the door is still out there 04:10:33
7 being used. And, no, I don't know how many of them back and 04:10:33
8 I don't know what actions they're taking today. 04:10:33

9 Q. Do you remember doing any investigations into XMP 04:11:07
10 rifles that would fire without the trigger being pulled 04:11:11
11 before the Otto rifle? 04:11:11

12 A. Edge. 04:11:17

13 Q. Before the Edge rifle? 04:11:18

14 A. No. 04:11:20

15 Q. Do you remember a rifle being returned to you for 04:11:23
16 investigation in August or September of 2013, I'll call it 04:11:26
17 the Bishop rifle? 04:11:32

18 A. Can I read the Product Service report? 04:11:38

19 Q. Okay. We're going to make reference now -- I'm 04:11:43
20 not going to mark this one as an exhibit right now, but this 04:11:43
21 is going to be referenced as PS29774775 and 776 as produced 04:11:43
22 in the McNeil case. I don't think I've got an extra copy of 04:11:59
23 that one right now, Derek. 04:12:04

24 A. Okay. I won't damage or do anything to it. 04:12:06

25 Q. Do you remember this rifle being inspected by you? 04:12:28

1 A. I'm not done yet. 04:12:28

2 MR. WILLS: Is this the suit you had on last 04:12:06
3 night? Got it dried out? Got to keep it dry. 04:12:06

4 Q. (BY MR. CHAFFIN) You have any recollection of it? 04:12:56

5 A. I don't. 04:13:30

6 Q. (BY MR. CHAFFIN) Can you hand it back to me. 04:13:31

7 A. Bishop. 04:13:35

8 Q. And I'm going to put this one under the microscope 04:13:35
9 here a little bit. And it says here -- where you zoom in on 04:13:38
10 it, please. It says here -- down just a little bit. 04:13:45

11 Gun was going do Derek Watkins in Kentucky for 04:13:46
12 exam, you see that? Because you don't remember getting it, 04:13:56
13 right? 04:14:00

14 A. I can't read. 04:14:02

15 Q. Gun was going to Derek Watkins in Kentucky for 04:14:04
16 exam. 04:14:06

17 A. Don't remember the Bishop rifle. 04:14:12

18 Q. And it says here -- 04:14:17

19 A. I'm trying to -- 04:14:18

20 Q. -- fires on safety release 2013. And here, in the 04:14:18
21 body of the prime, it says here, it would follow down when 04:14:22
22 closed briskly and had fired on safety release first time 04:14:27
23 bolt was closed, you see that? 04:14:27

24 A. Yeah. I see that. 04:14:37

25 Q. And it says here, Loctite residue on top, do you 04:14:39

1	see that?	04:14:43
2	A. Uh-huh.	04:14:45
3	Q. Now, this is an XMP rifle that came into your	04:14:45
4	possession in 2013 that would fire without the trigger being	04:14:53
5	pulled, right?	04:14:54
6	A. There's no -- I don't know if that rifle ever came	04:14:57
7	into my possession.	04:14:58
8	Q. It says here -- it was stated rifle was going to	04:14:59
9	you.	04:15:00
10	A. That doesn't mean I got it.	04:15:03
11	Q. And here's another one, do you remember a rifle	04:15:05
12	from AcuSport that came to you in April of 2013, says, gun	04:15:09
13	forwarded to Derek Watkins in E-town, do you remember this	04:15:09
14	one? Fires when you close the bolt three out of five times.	04:15:09
15	A. Yeah. I remember that one.	04:15:27
16	Q. And did you find anything wrong with it?	04:15:28
17	A. Yes, I did.	04:15:27
18	Q. What was wrong with it?	04:15:33
19	A. There was metal shaving between the engagement	04:15:34
20	screw and the back of the trigger.	04:15:34
21	Q. And how did that shaving -- how did that shaving	04:15:37
22	get there?	04:15:37
23	A. I have no idea.	04:15:37
24	Q. So you took it apart and found -- you took the	04:15:39
25	fire control apart and found the metal shaving in there?	04:15:42

1 A. The exam revealed the -- the metal shaving there, 04:15:46
2 if this is the rifle I'm thinking of, yeah. 04:15:48

3 Q. But it says they could not duplicate it. This is 04:15:53
4 number 29698. 04:15:53

5 MR. WILLS: Yeah. Could you give me the P -- 04:16:01
6 Product Service file number on that or -- 04:16:01

7 MR. CHAFFIN: 29698. 04:16:06

8 MR. WILLS: 296 -- 04:16:08

9 MR. CHAFFIN: He has 29698. 04:16:01

10 Q. (BY MR. CHAFFIN) You don't remember -- 04:16:08

11 A. Where's the other -- what's the back page of 04:16:01
12 the -- 04:16:11

13 Q. You know, I'd have to get that out, I don't 04:16:11
14 have -- I didn't bring all the pages for it. 04:16:13

15 MR. WILLS: And -- and, Bob, just -- what 04:16:15
16 was -- what was the first one on the Bishop gun, the PS -- 04:16:15

17 MR. CHAFFIN: 29774. 04:16:22

18 Q. (BY MR. CHAFFIN) So it appears at least twice in 04:16:22
19 2013 you were sent guns that had fired without the trigger 04:16:22
20 being pulled but you don't really recall examining those? 04:16:22

21 A. I recall one 700 that had a metal shaving between 04:16:15
22 the blocker screw and the back of the trigger. I remember 04:16:22
23 that one. 04:16:22

24 Q. That'd be a manufacturing defect? 04:16:40

25 A. No. You don't know where the metal shaving came 04:16:43

1 from. 04:16:45

2 Q. Have you ever examined any of the Product 04:16:49

3 Service -- these rifles to see what the reports of them 04:16:51

4 were? 04:16:51

5 A. I've looked at some of them. 04:16:55

6 Q. Here -- here's an interesting one. I can find 04:17:04

7 that one. 04:17:08

8 MR. WILLS: What's the number on that one? 04:17:12

9 MR. CHAFFIN: Let me find that -- at the wrong 04:17:14

10 page, there. 04:17:14

11 Q. (BY MR. CHAFFIN) See if you can explain this one. 04:17:15

12 This guy's -- 04:17:15

13 MR. WILLS: What's the number, Bob? 04:17:15

14 MR. CHAFFIN: Number PS25 -- 20613. 04:17:15

15 MR. WILLS: Wait a minute. 25 -- 04:17:15

16 MR. CHAFFIN: It's 2 -- PS20613 and it also is 04:17:15

17 reproduced as PS25306, same one. 04:17:15

18 MR. COONEY: Do you have a copy of that? 04:17:24

19 MR. CHAFFIN: Yeah, I do, on this one, I do. 04:17:16

20 Q. (BY MR. CHAFFIN) And this fella says, and -- and 04:17:35

21 this -- we could go through his functioning but basically 04:17:35

22 everything in the rifle is found to be normal. He reports 04:17:35

23 to the company, he shot it, bolted it, load it, didn't put 04:17:35

24 the safety on, laid it down and it fired on its own. You 04:17:35

25 see that? Laid it down and it fired on its own. 04:17:35

1 A. Okay. 04:18:04

2 Q. Can you tell me what exactly would cause an XMP 04:18:05

3 700 to fire on it's own after you had laid it down assuming 04:18:05

4 it's in factory-spec condition such as this report shows? 04:18:05

5 A. Safety's in the fire position, something gets in 04:18:46

6 the trigger well as you're laying it down, and the trigger 04:18:46

7 gets actuated, it could do that. 04:18:46

8 Q. Well, he says it'd been laying there 15 or 20 04:18:05

9 seconds before it -- before it fired. 04:18:05

10 A. Where do you see that? 04:18:56

11 Q. I talked to him. 04:18:56

12 A. Well, you're giving me a document and ask me about 04:19:00

13 stuff that's not on the document, I mean. 04:19:01

14 Q. So -- so you think it must -- he must have hit the 04:19:09

15 trigger when he laid it down? 04:19:09

16 A. Mr. Chaffin, I don't -- 04:19:17

17 Q. Chaffin. 04:19:17

18 A. -- Chaffin -- I don't make conclusions without 04:19:17

19 evidence. 04:19:17

20 Q. Okay. 04:19:17

21 A. I don't go running off half cocked. Okay. If you 04:19:01

22 to look at something and examine it and have a conclusion 04:19:01

23 made, we can do that. If you want me to theorize and 04:19:01

24 postulate, you got the wrong person. 04:19:01

25 Q. I don't think it would do us any good to go 04:19:30

1	through all these.	04:19:30
2	Have you ever examined any reports sent in by	04:19:57
3	police officers?	04:20:00
4	A. I believe so.	04:20:02
5	Q. Do you consider police officers to be reliable	04:20:06
6	sources of information?	04:20:08
7	A. I consider police officers to be human and subject	04:20:09
8	to the human condition.	04:20:09
9	Q. This is -- I'm just going to read this, this is	04:20:24
10	coming from a report that's labeled PS29968.	04:20:25
11	Customer stated he bought the gun new from a	04:20:26
12	dealer and took it out to private property to target shoot	04:20:34
13	around the first of March. He said on the third round the	04:20:34
14	rifle fired when he closed the bolt. He had not touched the	04:20:34
15	trigger at all. He stated the weather outside was 53 to 55	04:20:34
16	degrees.	04:20:34
17	Can you explain how you would have an XMP fire	04:20:34
18	when you closed the bolt without touching the trigger in 53	04:20:34
19	to 55-degree weather when the rifle appears to be in	04:20:57
20	factory-spec condition?	04:20:57
21	MR. WILLIS: Can he see the report you're	04:21:04
22	talking about?	04:21:05
23	MR. CHAFFIN: Now, let's -- let's show that	04:21:07
24	picture to the jury here on this one.	04:21:34
25	Q. (BY MR. CHAFFIN) This one's got a picture attached	04:21:34

1 and, as you can see on this one, where the customer's 04:21:38
2 reporting that the rifle fires in 53 to 55-degree. You can 04:21:42
3 come in and zoom in here. 04:21:42

4 You can see on this one where there appears to be 04:21:43
5 a deposit on the trigger of some Loctite, right? 04:21:43

6 A. There appears to be a mixture of graphite and 04:21:58
7 Loctite. 04:21:59

8 Q. Just as we saw on the Young rifle and just as we 04:21:59
9 saw on the McNeil rifle, right? 04:22:04

10 A. Just as we've seen on every rifle that we've 04:22:04
11 tested that has passed testing. 04:22:09

12 Q. All right. But this -- this rifle where the 04:22:12
13 customer reports it fired at 53 to 55 degrees, has a deposit 04:22:12
14 of Loctite mixed with graphite on the trigger, right? 04:22:12

15 A. As reported by that instant. 04:22:22

16 Q. Yeah, but -- but what I'm saying is, the 04:22:11
17 appearance of this trigger assembly, fire control assembly, 04:22:24
18 is consistent with the Young rifle, it's consistent with the 04:22:26
19 McNeil rifle, which also reported it had fired without the 04:22:26
20 trigger being pulled, right? 04:22:26

21 A. It's consistent with every rifle that we've tested 04:22:36
22 that's passed. 04:22:38

23 Q. Well, the -- 04:22:40

24 MR. WILLS: Can I -- can I see that first? 04:22:42

25 MR. CHAFFIN: I'll mark this one just so we'll 04:22:45

1	have it in the record as Watkins 14, it's got a 3-page	04:22:45
2	exhibit, 14. PS29968972 and 973.	04:22:45
3	MR. WILLIS: So they're --	04:22:56
4	MR. CHAFFIN: It's a three page exhibit.	04:22:42
5	MR. WILLIS: Do you know if any pages are	04:22:42
6	missing?	04:22:42
7	A. Yeah. It's not complete.	04:22:42
8	MR. WILLIS: 29969, 29970, 29971 are not here.	04:22:42
9	MR. CHAFFIN: Right.	04:22:42
10	* * * * *	04:22:58
11	(Whereupon, a document was marked Exhibit No. 14.)	04:22:58
12	* * * * *	04:22:57
13	Q. (BY MR. CHAFFIN) Do you have a scientific	04:23:20
14	explanation as to why that gun fired without the trigger	04:23:20
15	being pulled?	04:23:20
16	A. It's impossible to do -- have a scientific exp --	04:23:05
17	explanation without having examined the product.	04:24:15
18	Q. Do you take into consideration customer reports?	04:24:45
19	A. I think as evidenced by the Otto case, that we	04:24:49
20	take customer reports very seriously.	04:24:50
21	Q. Why would --	04:24:51
22	A. And -- and the recall.	04:24:56
23	Q. Why wasn't Mr. Breeze report taken seriously?	04:24:57
24	MR. WILLIS: Object to the form; argumentative;	04:24:59
25	misstates the evidence.	04:24:59

1 A. I have no evidence to suggest that his report was 04:25:03
2 not taken seriously. 04:25:06

3 Q. (BY MR. CHAFFIN) Well, it was never tested under 04:25:07
4 the conditions that he was using it at the time it failed, 04:25:07
5 was it? 04:25:07

6 A. I don't know. I don't believe so. 04:25:15

7 Q. Have we -- have we completed everything that you 04:25:55
8 did as far as your work on the recall and anything, is there 04:25:59
9 anything add into that what you did as far as your 04:26:01
10 participation in -- in the redesign of the manufacturing 04:26:01
11 process or the reformulation of it? 04:26:02

12 A. I didn't redesign it. 04:26:11

13 Q. Who -- 04:26:13

14 A. I was just a part of the -- 04:26:13

15 Q. Who reformulated the manufacturing -- 04:26:14

16 A. -- the te -- 04:26:16

17 Q. -- process? 04:26:17

18 A. -- team effort. A lot of manufacturing people 04:26:17
19 were looking at the assembly processes -- 04:26:19

20 Q. Who -- who participated in that? 04:26:23

21 A. -- and how to do that. The entire rifle 04:26:25
22 assembly -- or manufacturing department -- the model 700 04:26:27
23 department did -- I couldn't tell you their names, a lot of 04:26:30
24 people. A lot of people. 04:26:30

25 Q. And -- and was there a general meeting that took 04:26:42

1 place that determined the rifle should be recalled? 04:26:42

2 A. I am unaware of a single specific meeting to where 04:26:48

3 that was decided. If it was, I wasn't part of it. 04:26:53

4 Q. Who made that decision, ultimately? 04:26:56

5 A. If I wasn't part of it, I don't know. 04:26:57

6 Q. Do you know who ultimately made the decision to 04:26:57

7 recall the rifle? 04:26:57

8 A. No. 04:27:07

9 Q. Did you recommend that the rifle be recalled? 04:27:07

10 A. I recommend -- I remember recommending that we've 04:27:07

11 got an issue and we need to act on it. 04:27:07

12 Q. Is there -- 04:27:10

13 A. Recall would have been part of that. 04:26:57

14 Q. I'm sorry. 04:27:13

15 A. Recall would have been part of that. 04:27:13

16 Q. And who did you recommend that to? 04:27:14

17 A. That description would have been done and remember 04:27:17

18 specifically to Mr. Sprole, I believe also to Tony Moor, 04:27:21

19 beyond that, I don't remember. 04:27:31

20 Q. Was that in a face to face meeting? 04:27:35

21 A. Phone call with Sprole, face to face Moore. 04:27:39

22 Q. An -- and, after you had completed your work on 04:27:43

23 the testing and your participating, did you ever write a 04:27:45

24 report on, you know, what you had done? 04:27:46

25 A. The testing reports were there. I didn't -- 04:27:50

1 didn't have to write them, they -- the lab did the reports, 04:27:53
2 not me. 04:27:55

3 Q. But did -- did you ever write a narrative of your 04:27:56
4 work on the project? 04:27:56

5 A. Oh, no. 04:28:00

6 MR. CHAFFIN: I think that's all the questions 04:28:01
7 I got for you, Mr. Watkins. 04:28:14

8 MR. WILLS: Linda, we will reserve our 04:28:19
9 questions til the time of the trials. And, as a matter of 04:28:19
10 housekeeping, I assume all the exhibits that were marked 04:28:19
11 will be attached to the -- exhibits to the -- our copies. 04:28:19

12 MR. CHAFFIN: Yeah. We can leave them here 04:28:30
13 today. 04:28:30

14 MR. WILLS: And for the record, we're going to 04:28:15
15 take possession of the Charles Young fire control, which was 04:28:15
16 brought here today with us. And the record will also 04:28:15
17 reflect that we brought and provided to you, Bob, the 04:28:15
18 Derek's CD of his photographs and we also produced portions 04:28:15
19 of his diary marked as Edge 01188 through 01234 and it's not 04:28:15
20 his diary, it's his calendar. Thank you. 04:28:15

21 MR. CHAFFIN: All right. 04:29:09

22 MR. WILLS: We will reserve signature. And 04:29:10
23 you can handle it through me. 04:29:10

24 THE VIDEOGRAPHER: We're going off the record. 04:29:13
25 This concludes the deposition. 04:29:13

1 THE REPORTER: I need to know on the record, 04:30:18

2 on my record, not the video record, who all wants what. 04:30:18

3 MR. CHAFFIN: I want the exhibits. 04:30:18

4 MR. WILLS: And I want a full copy and 04:29:11

5 exhibits -- with exhibits of both. Let me -- can I get back 04:29:11

6 to you like Friday about the formating of it? Because I got 04:29:11

7 a couple people that have been chirping in my ear at my 04:29:11

8 office, a couple partners about here's the way to get stuff. 04:29:11

9 04:29:11

10 04:30:21

11 (Whereupon, said deposition was concluded at 04:30:21

12 approximately 4:30 p.m.) 04:30:21

13 04:30:21

14 (Witness excused.) 04:30:21

15 * * * * * 04:30:21

16

17

18

19

20

21

22

23

24

25

1 STATE OF KENTUCKY)
) SS:
2 COUNTY OF OLDHAM)

3 I, Linda A. Fox, Notary Public in and for the
4 State of Kentucky at Large, hereby certify that the
5 foregoing deposition was taken at the time and place stated
6 in the caption; that the appearances are as set forth in the
7 caption; that prior to giving the testimony the witness was
8 first duly sworn by me.

9 That said testimony was reported by me in
10 stenographic notes and transcribed under my personal
11 direction and supervision; and that said typewritten
12 transcript is a true and correct transcript, to the best of
13 my ability and understanding.

14 I further certify that I am not related by blood
15 or marriage to any of the parties hereto and that I have no
16 interest in the outcome of the captioned case.

17 My Commission as Notary Public expires
18 February 23, 2015. My notary ID is 437175.

19 Given under my hand this the day of
20 2015.

21

22

23

24

25

LINDA A. FOX, CCR
CCR NO. 20042030
NOTARY PUBLIC, STATE OF KENTUCKY

TEXAS DEPOSITION CERTIFICATE

NO. 14-0201

WILLIAM DAN EDGE and § IN THE DISTRICT COURT OF
JESSE EDGE §
§
§
VS. § HOUSTON COUNTY, TEXAS
§
§
§
REMINGTON ARMS COMPANY, INC. §
and WAL-MART STORES, INC. § 3RD JUDICIAL DISTRICT

REPORTER'S CERTIFICATION
DEPOSITION OF
DEREK WATKINS
TAKEN ON MARCH 25, 2015

I, LINDA A. FOX, Certified Shorthand Reporter in and for the Commonwealth of Kentucky, certify to the following:

That the witness, DEREK WATKINS, was duly sworn by
by me and that the transcript of the oral deposition is a
true record of the testimony given by the witness:

That the deposition was submitted on _____, 2015,
to the witness or to the attorney for the witness for
examination, signature and returned to me by _____,
2015:

That the amount of time used by each party at the deposition
is as follows:

Robert A. Chaffin, Esquire 6:06
Dale G. Wills, Esquire 0:00

That pursuant to information given to the deposition officer
at the time said testimony was taken, the following includes
counsel for all parties of record:

Robert A. Chaffin, Esquire, Atty. for Plaintiff
Dale G. Wills, Esquire, Atty. for Defendants
James P. Cooney, III, Atty. for Defendants

I further certify that I am neither counsel for, related to,

nor employed by any of the parties or attorneys in the

1 action in which this proceeding was taken, and further that
2 I am not financially interested in the outcome of the
actions.

3 Further certification requirements pursuant to Rule 302 of
4 TRCP will be certified to after they have occurred.

5 Certified to by me this _____ day of _____, 2015.

6 _____
7 Linda A. Fox, KY, CCR 20042030
8 Kentucky Notary Expiration:
9 February 23, 2019
10 Atkinson-Baker, Inc.
11 500 North Brand Boulevard
12 Third Floor
13 Glendale, CA 91203
14 (800) 288-3376
15 Firm Registration No. 32
16 Expiration Date: 12/31/15
17
18
19
20
21
22
23
24
25

1 FURTHER CERTIFICATION UNDER TO RULE 203 TRCP

2 The original deposition was/was not returned to the
3 deposition officer on _____, 2015;

4 If returned, the attached changes and signature page
5 contains any changes and the reasons therefor;

6 That \$_____ is the deposition officer's charges for
7 preparing the original deposition transcript and any copies
8 of exhibits, charged to _____ attorney for the
9 Plaintiff;

10 That the deposition was delivered in accordance with Rule
11 203.3, and that a copy of this certificate was served on all
12 parties shown here on and filed with the Clerk.

13 Certified to by me this _____ day of _____, 2015.

14

15

16

17

18

19

20

21

22

23

24

25

Linda A. Fox, KY, CCR 20042030
Kentucky Notary Expiration:
February 23, 2019
Atkinson-Baker, Inc.
500 North Brand Boulevard
Third Floor
Glendale, CA 91203
(800) 288-3376
Firm Registration No. 32
Expiration Date: 12/31